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ABSTRACT

Part IV of a series of publications consisting of American Indian tribal governmental documents, this volume includes charters, constitutions, articles of association, and by-laws of Indian tribes of New Mexico and Arizona. Documents are included relative to the Navajo Tribe of Arizona and New Mexico; the Eastern Navajo Council--New Mexico; the Papago Tribe of Arizona; the All Indian Pueblo Council of New Mexico; the Isleta Pueblo, Pueblo of Laguna, Pueblo of Santa Clara, and Pueblo of Zuni; the Ak Chin (Papago), Salt River Pima-Maricopa, Yavapai-Apache, and the Yavapai-Prescott Indian communities; and the Kaibab Band of Paiute Indians of Arizona. (LS)

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CHARTERS, CONSTITUTIONS AND BY-LAWS OF THE INDIAN TRIBES OF NORTH AMERICA

Part IV: The Southwest (Navajo--Zuni)

compiled/edited by

George E. Fay

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Joseph F. Otero, Superintendent of the Bureau of Indian Affairs (Zuni Agency); the Zuni Tribe (Arizona).

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TABLE OF CONTENTS

Page

The Navajo Tribe of Arizona and New Mexico 1

The Navajo Tribe: Eastern Navajo Council — New Mexico 16

The Navajo Tribe: District 16 Council, Eastern Navajo Council — New Mexico 22

Constitution and By-Laws of the Ak Chin (Papago) Indian Community, Arizona. 28

Constitution and By-Laws of the Kaibab Band of Paiute Indians of the Kaibab Reservation, Arizona 36

Constitution and By-Laws of the Papago Tribe of Arizona. 45

Constitution and By-Laws of the Salt River Pima-Maricopa Indian Community, Arizona 53

Constitution of the All Indian Pueblo Council of New Mexico 63

Constitution of Isleta Pueblo, New Mexico. 67

Amended Constitution and By-Laws of the Pueblo of Laguna in New Mexico 73

Constitution and By-Laws of the Pueblo of Santa Clara, New Mexico. 85

Corporate Charter of the Yavapai-Apache Indian Community of the Camp Verde Reservation, Arizona 94

Constitution and By-Laws of the Yavapai-Apache Indian Community of the Camp Verde Reservation, Arizona. 98

Articles of Association of the Yavapai-Prescott Community — Prescott, Arizona 106

Non-Ratified Constitution of the Pueblo of Zuni, Zuni Reservation, New Mexico 112

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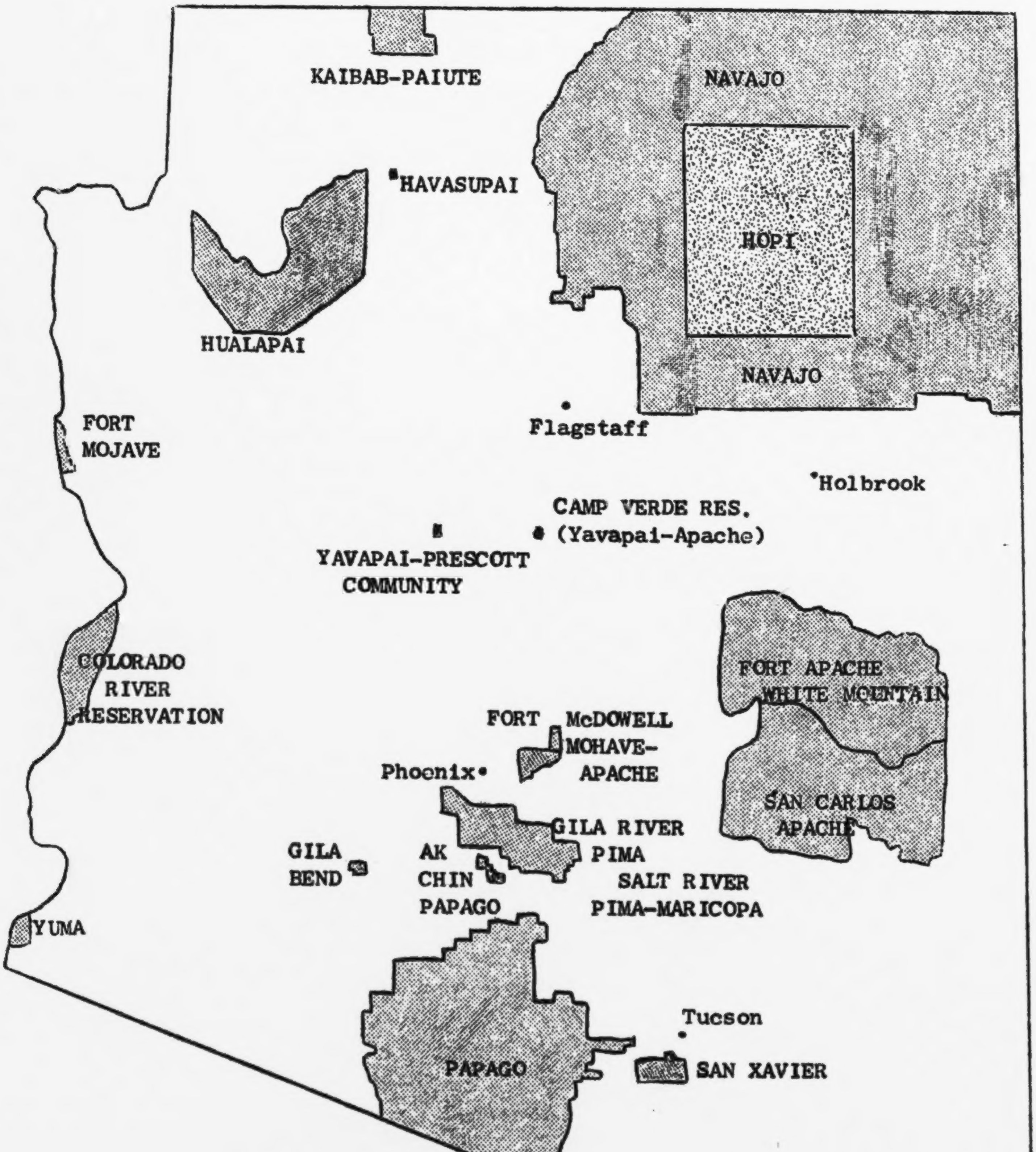
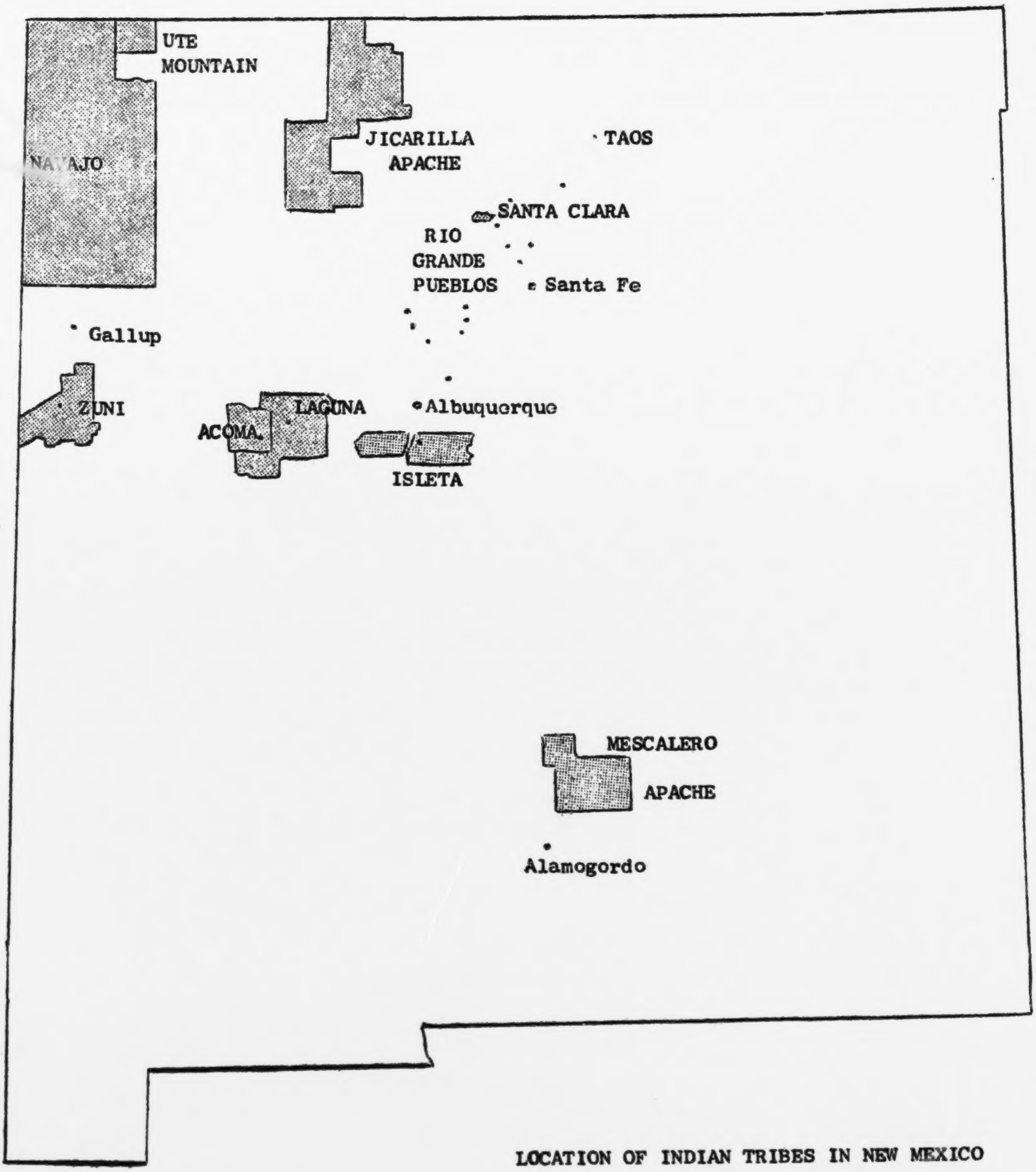


LOCATION OF INDIAN TRIBES IN ARIZONA



LOCATION OF INDIAN TRIBES IN NEW MEXICO

THE NAVAJO TRIBE

of

ARIZONA AND NEW MEXICO

The Navajo Tribe does not presently operate under a federal charter, nor does it have a formal constitution and by-laws. However, the following pages should help to explain their situation with regard to said documents, past history, and present operational procedures.

***

KENT FITZGERALD, Superintendent, Bureau of Indian Affairs (Eastern Navajo Agency), Crownpoint, New Mexico (personal communiqué):

The Navajo Tribe "operates under regulations promulgated in 1938 by the Secretary of the Interior and under a Tribal Code which is a compilation of various resolutions and ordinances adopted by the Navajo Tribal Council. The Secretary's regulations are included in The Navajo Yearbook, Report No. VIII, 1951-1961, A Decade of Progress. ...The Navajo Tribal Code is published in two volumes and is brought up-to-date every year by means of pocket supplements.

"The Navajo Tribal government operates at the local community level through organizations known as Navajo Tribal Chapters. There are 97 of these. They were brought into existence many years ago by early Superintendents on the Navajo as a device for communication between Bureau administrators and the Navajo people at the local level. The Chapters have three elected officers each of whom is paid on the basis of meetings (not more than two a month) held at the Chapter Houses. Some Chapters have more than two meetings a month, but the Chapter Officers are paid for only two meetings--$30 per meeting. This payment is made by the Navajo Tribe from Tribal appropriated funds. The Chapters still have very little in the way of legal authorities, but are becoming increasingly significant as a force for the people at the local level to articulate their views on matters of concern to them.

"Back in 1963, the Tribal Council appropriated funds for the Chapter Officers to meet each month along with their Tribal Council Delegates in associations given the names of District Council and Agency Council. Chapter Officers were initially given $30 for each District and Agency Council meeting attended. Again, no formal authorities were granted to these regional organizations by the Tribal Council. The District Council (composed of Chapter Officers within a land management district) and the Agency Council, which brings all of the Chapter Officers together from throughout each of the five Navajo Agency areas in each instance, serve principally as a means of getting the Chapter leaders together on a regular basis for mutual discussions of common problems and, infrequently, as a means for the Tribal Council to get reactions from all of the Chapter leaders within Districts or Agencies to various government and Tribal proposals.

"We have two District Councils in the Eastern Navajo Agency. ...Both our District Councils and our Agency Council are quite active and are playing an increasingly important role in giving the people a sense of unity in this area. Our Agency Council, which calls itself the Eastern Navajo Council, is the only Agency Council operating now in any of the five Navajo Agency areas. The others appear to be defunct, or meet only infrequently for Agency Council meetings during the current fiscal year. Even though our Eastern Navajo Council continues to meet on a regular basis.

"As problems have been recognized by the people in conducting the meetings and business of the District Councils and Agency Council, individual resolutions have been adopted from time to time, fixing the dates for regular meetings, defining the terms of office for the officers, setting up procedures for drafting agendas for their meetings, etc. These resolutions finally culminated within the past year in the drafting and adoption of Plans of Operation by our District 16 Council and by our Eastern Navajo Council. I am enclosing copies of each of these Plans of Operation [reproduced herein]. I consider it indicative of the growing sophistication of the Navajo leaders in the Eastern Navajo area that they have moved this far during the period when there has been so much confusion and misunderstanding within the Tribal Council itself over what a constitution is. As you know, the Chairman of the Navajo Tribe [Raymond Nakai], who [recently started] his second term of office, has campaigned in each of the Tribal Chairman elections on a platform declaring the need for constitutional government on the Navajo. At a recent meeting of the Tribal Council he announced plans to move ahead now with plans for the drafting of a constitution for the Navajo Tribe."

***

PAUL W. HAND, Superintendent, Bureau of Indian Affairs (Chinle Agency), Chinle, Arizona (personal communiqué):

"The Chairman has indicated that he does propose to present a written constitution to the Navajo people in the near future, time unstated. You may wish to write to him directly and request a copy of the proposed constitution. We have not received a copy here and are not certain that one will be furnished you at the present time."

[The editor did write directly to the Tribal Chairman, stating the purpose of the Constitutional Series project, requesting a copy of the proposed constitution. However, no answer was ever received.]

***

PERRY ALLEN, Director of Public Relations, Navajo Tribe, Window Rock, Arizona (personal communiqué):

"Attached please find a copy of the By-Laws of the Navajo Tribal Council [reproduced herein]. A Navajo Tribal Constitution has been advocated by the present Administration for the Navajo people."

***

GALLUP [NEW MEXICO] INDEPENDENT (January 4, 1966):

"Raymond Nakai, Navajo Tribal Council chairman...[at a Many Farms political rally] said: 'This [the advocated constitution] is the principal issue and on it our stand is clear; my administration wishes to establish a democratic government according to the will of the people.'

"Nakai told the group he advocates a constitution for the Navajo Tribe 'which will impose limitations on the legislative, judicial and executive departments." He pointed out [that] the council chairman does not now have veto power as do executive leaders of other governmental bodies. The chairman said that without a veto power there is no system of checks and balances in the tribal government.

"Nakai quoted Senator Clinton P. Anderson (D-N.M.) as saying, '...an Indian citizen has all the constitutional rights of other citizens while off the reservation, but on the reservation (in the absence of federal legislation) he has only the rights given him by the tribal governing body.'

"The chairman suggested that a Navajo constitutional convention be convened to draft a tribal constitution to be presented to the Navajo people for adoption."

***

IRVIN J. JONES, Tribal Operations Assistant, Bureau of Indian Affairs (Navajo Area Office), Window Rock, Arizona (personal communiqué):

"Under separate cover we are mailing you the Navajo Yearbook, VIII, 1961. This is the last volume of this particular document."

***

The following pages are excerpts from The Navajo Yearbook. Report No. VIII, 1951-1961, A Decade of Progress; specifically from pp. 371-429, a report prepared by Robert W. Young: "The Origin and Development of Navajo Tribal Government".

THE ORIGIN AND DEVELOPMENT OF NAVAJO TRIBAL GOVERNMENT

"A little over a century ago the territory occupied by the Navajo people became a part of the United States. At that time, and previously, the Navajo Tribe did not exist in the ordinary political sense. There was a group of people sharing a common language and culture, but political organization apparently did not extend beyond local bands led by headmen.... The headmen enjoyed varying amounts of power based on their persuasive ability, but no powers of coercion were attached to the office; the position of headman was not hereditary, and coalitions of headmen were probably few and of short duration. In short, the Tribe did not constitute a political entity."

"The development of a medium for effective communication and contact between the federal government and the Navajo people remained a serious problem [following years of warfare and ineffective treaty making] and, in 1927, John Hunter, Superintendent of Leupp Agency began the development of local community organizations which came to be known as Chapters. These were designed to bring the Navajo people together at a local level where representatives of the Bureau of Indian Affairs, in conjunction with returned Navajo students, could exert more effective influence toward the improvement of livestock,and agricultural techniques, the advancement of education and other objectives of the administration.

"...The Chapter movement began only a few years after the establishment of the first Navajo Tribal Council, but for many years the Chapters were more important as aspects of Navajo political life than the artifically created Council."

"A reorganization of the Council along constitutional lines would have taken place in 1934 if the Navajo Tribe, by the narrow margin of 7,992 to 7,608, had not rejected the Indian Reorganization Act."

PROPOSED CONSTITUTION OF THE NAVAJO TRIBE

October 25, 1937

In order to establish a tribal government and to promote the spiritual, social, and economic welfare of the Navajo people, this Navajo Constitution is proclaimed for the Navajo people.

ARTICLE I

SECTION 1. The Constitution of the United States of America with amendments thereto, and all Acts of Congress applicable to the Navajo affairs, including the Treaty of 1868 between the Government and the Navajos, shall be the laws of the Navajo Tribe.

ARTICLE II

SECTION 1. Every Navajo, who resides on the Navajo Reservation or individual trust allotment, and is enrolled on the tribal census, and every individual who is at least one-quarter (¼) degree of Navajo blood and enrolled on the tribal census, shall be considered a member of the Navajo tribe.

SEC. 2. No person shall be eligible for adoption into the Navajo Tribe unless he or she meets any of the qualifications provided for in the preceding section.

ARTICLE III

SECTION 1. Not inconsistent with any authority of the Federal Government or with any state laws, the jurisdiction of the Navajo Tribe and of the Navajo Council shall extend to the entire area within the outside boundaries of the existing reservation and to all trust allotments without such boundaries and to any area that may be added to the reservation pursuant to or by any Act of Congress.

ARTICLE IV

SECTION 1. The governing body of the Navajo Tribe shall be the Navajo Council.

SEC. 2. The Navajo Council shall consist of twenty delegates at large and fifty-four delegates, apportioned among the several land management districts as follows:

District No. 1, one delegate at large and two delegates;
District No. 2, one delegate at large and two delegates;
District No. 3, one delegate at large and three delegates;
District No. 4, one delegate at large and four delegates;
District No. 5, one delegate at large and two delegates;
District No. 7, one delegate at large and three delegates;
District No. 8, one delegate at large and three delegates;
District No. 9, one delegate at large and three delegates;
District No. 10, one delegate at large and three delegates;
District No. 11, one delegate at large and two delegates;
District No. 12, one delegate at large and four delegates;
District No. 13, one delegate at large and two delegates;
District No. 14, one delegate at large and three delegates;
District No. 15, one delegate at large and three delegates;
District No. 16, one delegate at large and two delegates;
District No. 17, one delegate at large and five delegates;
District No. 18, one delegate at large and five delegates;
District No. 19, one delegate at large and three delegates;
Canoncito, one delegate at large; and
Puertocito, one delegate at large.

PROVIDED that the Navajo Council may change its membership to correspond with any increase that may occur in the population of any districts not exceeding one delegate for every six hundred Navajos.

SEC. 3 A delegate shall hold office for a term of six years which shall begin at noon on the first day of August of the year of his election, provided that the terms of office of the first members of the Navajo Council shall be determined by the Constitutional Assembly.

SEC. 4. No person shall be eligible for the office of a delegate unless he is a member of the Navajo Tribe, has attained the age of thirty (30) years or over, not exceeding seventy (70) years, has resided upon the reservation or upon restricted allotment for a period of five years and in the election precinct for a period of one year next preceding the election.

SEC. 5. No member of the Navajo Tribe holding any permanent position or employment under the authority of the United States or any State shall be a member of the

Navajo Council.

SECTION 6. Any member of the Navajo Council who acquires membership in any organization or who acquires any position or employment for the purpose of influencing the Navajo Council may be removed from the Navajo Council, upon proof thereof, by two-thirds (2/3) affirmative vote of the members of the Navajo Council.

SEC. 7. If from any cause a vacancy should occur in the office of any delegate, the Navajo Council, or its authorized agency shall order an election of a successor for the unexpired term of office.

ARTICLE V

SECTION 1. The Executive Committee of the Navajo Council shall consist of the President of the Navajo Tribe and the delegates at large as apportioned among the several land management districts including the Canoncito and Puertocito areas.

SEC. 2. The President of the Navajo Tribe shall be Chairman of the Executive Committee.

SEC. 3. No measure shall be considered by the Navajo Council unless it was first passed upon by the Executive Committee.

ARTICLE VI

SECTION 1. There shall be one president of the Navajo Tribe and he shall hold office for a term of six years, provided that no person shall serve as president for more than two terms.

SEC. 2. It shall be the duty of the president to take part in the sessions of the Navajo Council, to make recommendations to the Navajo Council, to advise and assist the government on any action or policy adopted by the Navajo Council, and to exercise any authority that may be vested in him by the Navajo Council.

SEC. 3. There shall be one vice-president of the Navajo Tribe, and he shall hold office for a term of six years, provided that no person shall serve as vice-president for more than two terms.

SEC. 4. It shall be the duty of the vice-president to preside over the sessions of the Navajo Council, and to exercise any authority that may be vested in him by the Navajo Council.

SEC. 5. No person shall be eligible for president or vice-president of the Navajo Tribe unless he is a member of the tribe, has attained the age of thirty-five years or over, not exceeding sixty-five years, and has resided upon the Navajo Reservation for a period of five years next preceding the election.

SEC. 6. No person holding any position or employment under the authority of the United States, or of any State, shall be president, or vice-president, of the Navajo Tribe.

SEC. 7. If from any cause a vacancy should occur in the office of the president, the vice-president shall become president of the Navajo Tribe for the unexpired portion of the term of office.

SEC. 8. If from any cause a vacancy should occur in the office of the vice-president, the Navajo Council shall appoint a successor for the unexpired portion of the term of office.

ARTICLE VII

SECTION 1. The election of president and vice-president of the Navajo Tribe, delegates of the Navajo Council, and any officer that may be elective, shall be governed by the By-Laws of the Navajo Council.

SEC. 2. Any member of the Navajo Tribe, who has attained the age of 21 years or over and has resided on the Navajo Reservation or on an individual trust allotment for at least one year next preceding the election shall have the right to vote in any election, except insane persons, idiots, persons under legal guardianship, and persons convicted of a felony and have not been restored to political rights.

ARTICLE VIII

SECTION 1. Any delegate, who is accused of willfully misrepresenting or misinterpreting any measure or policy of the Navajo Council or accused of improper conduct or gross neglect of duty, shall be served with written charges against him at least thirty days before the date of the hearing set by the Navajo Council, and at the hearing, which shall be fair and complete, if the charges are proven, the accused may be expelled from the Council by the affirmative vote of two-thirds (2/3) of the members of the Navajo Council.

ARTICLE IX

SECTION 1. It shall be the permanent policy of the Navajo Council to preserve and promote the Navajo clan system of family and social organization; to protect and conserve tribal property, natural resources, and wildlife on the Navajo Reservation; to cultivate Indian arts, crafts, and the best traditions and culture; to assist in administering charity; to protect and promote health, security, human and civil rights, and general welfare of the Navajo Tribe and members thereof.

ARTICLE X

SECTION 1. The Navajo Council shall have the following powers:

(a) To approve or veto any sale, disposition, lease, or encumbrance of tribal lands or tribal assets which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian Affairs, or any other agency of the Government provided that no tribal lands shall be leased or encumbered in any way for a period in excess of five years, except for rights of way for highways or roads, telephone, telegraph, power, and pipe lines, and for governmental purposes, which may be granted for a longer period than five years.

(b) To approve or veto permits that may be granted for the establishment of religious missions on the Reservation.

SEC. 2. The Navajo Council, in cooperation with the Government and subject to the approval of the Secretary of the Interior, shall have the following powers:

(a) To regulate the uses and disposition of tribal property; to protect, conserve, and promote tribal lands, natural resources, and wildlife on the Navajo Reservation; to regulate and promote Indian arts, crafts, traditions, and culture; to assist in the administration of charity; to protect and promote health, security, human and civil rights, and the general welfare of the Navajo Tribe and members thereof.

(b) To cooperate with the Government in the enforcement of existing grazing regulations as promulgated by the Secretary of the Interior. If at any time the land management districts are found to be impractical and existing grazing regulations can be modified, the Navajo Council shall suggest such changes to the Secretary of the Interior.

(c) To cooperate with the Government in the enforcement of hunting, fishing, and wildlife regulations as promulgated by the Secretary of the Interior.

(d) To regulate and control trading posts and trading practices on the reservation; and to regulate, assess, and collect license fees for the privilege of trading practices on the reservation.

(e) To employ legal counsel for the protection and advancement of the rights of the Navajo Tribe and members thereof.

(f) To levy dues, fees, and taxes on members of the Navajo Tribe and upon any property or property right of members of the tribe within the reservation and other areas under the jurisdiction of the Navajo Council.

(g) To adopt, promulgate, and enforce ordinances governing the conduct of members of the Navajo Tribe; and to provide for the maintenance of law and order and the administration of justice; and to establish Indian Courts and to define their powers and duties.

(h) To regulate the domestic relations of members of the Navajo Tribe not otherwise provided for under any law.

(i) To regulate the inheritance of real and personal property, other than allotted lands, within the reservation and other areas under the jurisdiction of the Navajo Council.

(j) To create offices, committees, commissions, boards, associations, and local district councils, and to define their powers and duties, and to make any provisions that may be deemed necessary in exercising this power.

(k) To provide for the compensation of the president, vice-president, delegates of the Navajo Council, and other officials of the Council or tribe for their services.

SEC. 3. In cooperation with the Government and subject to the approval of the Secretary of the Interior, the Navajo Council or the Executive Committee may exercise the following powers:

(a) To acquire by purchase or otherwise any property or property right of any member of the Navajo Tribe and others on or off the Navajo Reservation.

(b) To acquire by right of eminent domain any property or property right of any member of the Navajo Tribe and others within the Navajo Reservation.

(c) To provide and administer a revolving fund, from tribal funds and other sources, for the establishment of better housing facilities for the families of any members of the Navajo Tribe.

(d) To provide and maintain funds, from tribal and other funds or property, for the education and support of Navajo boys and girls in universities, colleges, and other educational institutions.

(e) To establish and maintain tribal sawmills, flour mills, and other tribal business enterprises, and to provide the necessary funds for such purposes.

(f) To negotiate with the Federal, State, and local government on behalf of the Navajo Tribe, and to advise and consult with the representatives of the Department of the Government of the United States on all matters affecting the affairs of the Navajo Tribe.

(g) To protect and control all prehistoric, archaeological, and other sites to scenic, or scientific interests on the Navajo Reservation not under the control of the National Park Service.

(h) To provide for the care and guardianship of orphans, incompetents, and minor members of the Navajo Tribe, and for this purpose to recommend the use and administration of tribal and other funds or property.

(i) To create tribal funds from any source not inconsistent with the laws of the United States or rules and regulations of any Department of the Federal Government and to provide for its maintenance and administration.

(j) To act upon all matters affecting the affairs of the Navajo Tribe and members thereof.

(k) To transact and manage all the business affairs of the Navajo Tribe.

(l) To adopt measures, resolutions, or ordinances in exercising any of the powers provided for in this Constitution.

SEC. 4. The Superintendent shall have the power to bar any person who is not a member of the Navajo Tribe from entering the Reservation and to exclude and remove any such person from the Reservation whenever in his judgment the public interest or welfare of any Navajo or Navajos or the Tribe justifies such action. However, the Navajo Council may by a majority vote over-rule such action of the Superintendent and thereby permit any such person to enter the reservation or remain therein.

SEC. 5. Any measure or resolution or ordinance adopted by the Navajo Council or the Executive Committee shall take effect as soon as approved by the Secretary of the Interior.

ARTICLE XI

SECTION 1. The Navajo Reservation with its surface and sub-surface natural resources shall remain tribal property.

SEC. 2. Hereafter no land of the Navajo reservation, created or set apart by treaty or agreement with the Navajo Tribe, Act of Congress, Executive Order, purchase, or otherwise, shall be allotted in severalty to any member of the tribe.

SEC. 3. Any tract of land, under any irrigation project developed with government or tribal funds, may be assigned by the Superintendent of the Navajo Service, with the approval of the Navajo Tribal Council, to any landless member of the tribe, who does not own any range livestock, under such terms and conditions as may be required by the Navajo Council.

SEC. 4. Any tract of land, approved by the government to be suitable for dry farming, may be assigned by the Superintendent of the Navajo Service, with the approval of the Navajo Service, with the approval of the Navajo Council, to any member of the tribe under such terms and conditions as may be required by the Navajo Council.

SEC. 5. Any assignment of land made under the preceding sections shall be cancelled by the Navajo Council, if it is shown by competent evidence in a public hearing before the Navajo Council, or its authorized agency, that the assignee had failed to cultivate and otherwise improve his assigned land for a period of two years.

SEC. 6. Upon the decease of the assignee, his heirs shall have the first preference for the reassignment of the land which was under his assignment at the time of his death.

SEC. 7. Various tracts of land cultivated and otherwise improved for agricultural purposes by individual members of the Navajo Tribe prior to the adoption of this constitution, shall not be affected by the provisions of the preceding sections unless sold or voluntarily surrendered to the tribe, or abandoned. Failure to cultivate or otherwise improve the land for a period of two years shall be considered an abandonment of the land.

SEC. 8. No grazing land shall be fenced for the exclusive use of any member of the tribe; and any grazing land now under fence for the exclusive use of any member of the tribe shall be subject to the right of eminent domain of the tribe.

SEC. 9. Any agricultural land held by any member of the tribe in excess of forty acres in area shall be subject to taxation by the Navajo Council, provided that the taxation shall not exceed one dollar ($1.00) per acre for every acre held in excess of forty acres.

ARTICLE XII

SECTION 1. Any restricted allotment of land heretofore made to any member of the tribe on or off the Navajo Reservation shall remain in the individual ownership of the allottee unless sold or otherwise disposed of by the allottee to the tribe.

SEC. 2. The tribe shall have the first preference right, and any individual member of the tribe shall have the second preference right, to lease any restricted allotment of land for grazing or other purposes at a reasonable rate of annual compensation to the allottee.

SEC. 3. After the tribe and any member thereof have waived their preference rights, any restricted allotment of land may be leased by the allottee to anyone or any organization for any lawful purpose under the supervision of the Navajo Council.

ARTICLE XIII

SECTION 1. The right to prospect or explore for any deposits of silver, copper, gold, and other metalliferous minerals on any tribal land may be granted by the Navajo Council under such terms and restrictions as may be required by the Council not inconsistent with any mining laws of the Federal Government.

SEC. 2. The right to mine or otherwise take coal from any deposits of coal on any tribal land, classified by the government to be suitable for mining, may be granted by the Navajo Council to capable coal operators and miners under such terms and restrictions as may be required by the Council not inconsistent with any mining laws of the Federal Government.

ARTICLE XIV

SECTION 1. All water rights to any stream, natural spring, lake, reservoir, pond, water-hole, well, and all water supplies developed with government or tribal funds, upon the Navajo Reservation, shall remain tribal property.

SEC. 2. All power sites on the Navajo Reservation shall remain tribal property.

ARTICLE XV

SECTION 1. The Navajo Council whenever it deems it necessary shall propose amendments to this Constitution, which shall be valid as part of this Constitution, when ratified by the affirmative vote of a majority of the eligible voters of the Navajo Tribe and approved by the Secretary of the Interior.

***

[This proposed Constitution was subsequently amended, revisions made, inconsistencies corrected, but still remains unapproved or unadopted by the Navajo Tribe. Perhaps the present tribal administration will succeed in obtaining a Constitution. This 1937 proposed Constitution is included for possible eventual comparison.]

NAVAJO TRIBAL COUNCIL BY-LAWS

ARTICLE I — MEETING OF COUNCIL

SECTION 1. Annual and Special Meetings; Adjournment. There shall be two annual meetings of the Tribal Council held in the months of April and October respectively of each year upon dates to be fixed by the President upon thirty days' written notice to members of the Council. Special meetings may be called at any other time by majority vote of the Council at any regular meeting, and by the President or the Executive Committee upon not less than thirty days' written notice to delegates.

Any regular or special meeting may be adjourned to any date fixed by the Council.

SEC. 2. Quorum. Not less than 60 of the duly elected delegates to the Council shall constitute a quorum for the transaction of business. All decisions shall be by majority vote of those present.

SEC. 3. Voting. Any duly elected delegate whose qualifications to serve have been accepted by the Council shall be entitled to vote. The voting shall be in such manner as the Chairman of the meeting shall direct, provided, however, that upon demand of any delegate, a standing vote or vote by written ballot shall be ordered.

SEC. 4. Order of Business. The order of business shall be established by the Navajo Tribal Council in the following manner:

(a) Delegates to the Council shall submit to the Chairman of the Tribal Council not later than 30 days preceding a regular meeting any subject proposed for consideration of the Council accompanied by a request that it can be embodied in a resolution or other appropriate form.

(b) The Chairman shall call a meeting of the Executive Committee not later than 15 days before the Council meeting. The Executive Committee shall determine which of the suggestions submitted by delegates are to be included in the agenda of the Council meeting and shall request the tribal attorneys to draft a resolution or other appropriate instrument for submission to the Council. In the absence of the Executive Committee the Chairman shall determine which of the items submitted shall be included in the agenda and shall request such assistant from the tribal attorneys. Either the Executive Committee or the Chairman may add items to the agenda as in their discretion seems advisable, giving priority to the items of greatest urgency and concern to the Tribe.

(c) The agenda as approved by the Executive Committee or the Chairman will be mimeographed and mailed to all delegates ten days before the Council meeting, and additions thereto pursuant to the succeeding paragraph shall be distributed as soon as possible after the opening of the Council meeting.

The agenda shall be in the following order: (1) the seating and qualification of delegates; (2) taking of the oath of office by any newly elected delegates or officers; (3) Roll call; (4) approval or correction of minutes of previous meeting; (5) Reports of President and any other reports listed in approved agenda; (6) business listed for Council action; (7) new business.

The Chairman of the Council may change the order in which items of the agenda are considered.

(d) There shall be included on the agenda an item entitled "Miscellaneous Business". Delegates who have been unable to submit their suggestions within 30 days, or Tribal officers and members of the Executive Committee having emergency matters which have arisen shortly before the Council meeting, may include items under miscellaneous business with the approval of the Executive Committee at a special meeting to be called by the Chairman on the first night of the Council meeting or at the earliest possible hour during or following the opening of the Council meeting.

(e) All actions of the Council whether in the form of motions, resolutions, ordinances or regulations, shall be entitled according to the subject matter listed in the index of "Navajo Tribal Council Resolutions" in order to assure continuity of subject matter in subsequent volumes of such compilations.

SEC. 5. Minutes. The minutes of each Council meeting shall be transcribed by a qualified court reporter or reporters, to the extent possible upon a basis permitting copies of the record to be available the day next succeeding the day of the proceedings. Copies shall be available for all delegates, tribal attorneys and the Area Director, and shall be maintained by the tribal Secretary as part of the permanent files.

The minutes shall reflect the form in which all proposals are stated, whether as motions, resolutions, ordinances, or regulations, and a record of the voting.

The General Counsel of the tribe shall continue the compilation entitled "Navajo Tribal Council Resolutions" first published in 1952, and supplemental volumes will be issued each containing the enactments of the Council and the Advisory Committee.

SEC. 6. Expulsion of Members. Council delegates may be removed from office in the following manner:

1. The following shall constitute grounds for removal from office: (a) dishonesty in office; (b) conviction for committing a felony; (c) failure to attend three successive Council meetings unless an excuse is tendered to the President and Executive Committee which in the opinions of the majority of the Advisory Committee justifies such absence; (d) persistent disorderly conduct at Council meetings; (e) intentional violation of the resolutions, ordinances or regulations established by the Navajo Tribal Council.

2. Charges may be filed by person in writing and shall be considered at the next succeeding meeting of the Executive Committee. The charges may be dropped by vote of the Committee, or be referred to the Council at its next succeeding meeting. The President may refer such charges to the Council at its next meeting notwithstanding any action taken by the Executive Committee.

The Council shall then either hold a hearing or direct an investigation of the charges and take such action as it deems proper. The decision of the Council as to the removal of the delegate shall be final.

SEC. 7. Approval of Council Action by Commissioner of Indian Affairs.

Actions which by law are not subject to the review of the Secretary of the Interior, the Commissioner of Indian Affairs or their representatives, shall be final. Any action which by law is subject to review by the Secretary of the Interior shall be presented to the Area Director during the Council meeting at which the action of the Council is taken. The Area Director shall approve or disapprove of the said action before the expiration of the Council meeting and if he approves the same it shall thereupon become effective. The Area Director shall thereupon transmit a copy thereof bearing his indorsement to the Secretary of the Interior who may within 30 days from the date of the enactment rescind the resolution for any cause by notifying the Tribal Council of such decision. If the Area Director shall fail or refuse to approve the action of the Council before the expiration of the Council meeting, he shall state his reasons tothe Council and if said reasons appear to the Council insufficient, it may by majority vote refer the resolution to the Secretary of the Interior. If the Secretary approves the action of the Council it shall become effective immediately.

SEC. 8. Sergeant at Arms. The office of Serpeant at Arms shall be filled by appointment of the President and the appointee shall be paid such compensation as the President in his discretion shall direct. The post may be filled by any member of the Navajo Police Force selected by the President without compensation in addition to his regular pay. The Serpeant at Arms shall maintain order under the direction of the President and shall make appropriate arrangements for having the Council chamber and appurtenances maintained in a clean and orderly condition throughout the Council meeting. He shall also attend any Executive Committee meeting if the President so directs.

SEC. 9. Rules of Procedure. In the conduct of all proceedings either in the Council, the Executive Committee or other committees, the Chairman shall be guided by Robert's Rules of Order.

SEC. 10. Standing Committees. There shall be the following standing committees and such other committees as the Council, the Executive Committee or the President may appoint. One member of the Executive Committee shall be Chairman of each standing committee, and may serve as Chairman of more than one committee.

Committee on Administration
Committee on Community Services
Committee on Engineering
Committee on Loans
Committee on Resources
Committee on Trading

The President shall point the Chairmen and members of each committee, and the members and the Chairmen of all committees may be changed at any time by the President with or without cause.

ARTICLE II — EXECUTIVE COMMITTEE

SECTION 1. Meetings. The Executive Committee shall hold regular meetings on the second Tuesday of each month. In case of conflict with Council meetings or legal holidays and in the event of inability to secure a quorum, the President will establish alternative dates for such meetings.

Any special meeting in addition to the regular meetings may be called by the President upon five days notice to each member. Notice may be given by telephone, letter or telegram or in person. A meeting may also be called by written notice signed by not less than five members of the Executive Committee. Attendance at a meeting shall constitute waiver of notice.

SEC. 2. Quorum. A quorum shall consist of seven members or their alternates. All business shall be transacted by the majority vote of those present at any meeting.

Any action of the Executive Committee may be vetoed by the President and in such event the action so vetoed may by vote of the Executive Committee be referred to the next succeeding meeting of the Navajo Tribal Council. The measure approved by the Executive Committee and vetoed by the President, if approved by majority vote of the Council, shall take effect forthwith.

SEC. 3. Order of Business. The order of business of the Executive Committee meetings shall be as follows:

(a) Roll call and a report by the Chairman or Secretary as to how each member of the Executive Committee was notified of the calling of the meeting.

(b) Approval of amendments to minutes of previous meeting.

(c) Consideration of monthly operating reports, financial statements and problems of businesses and enterprises of the Navajo Tribe.

(d) Unfinished business.

(e) New business.

The President shall preside as Chairman of the Executive Committee and in the cases of tie shall cast the deciding vote. The President shall arrange the agenda of the meeting in advance thereof but such items may be added as the Executive Committee in its discretion deems advisable, and the order of consideration may be changed by the Chairman.

SEC. 4. Minutes. The Secretary shall keep a record of all decisions of the Executive Committee and a transcript of proceedings which will at all times be available to Council delegates and Navajos.

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THE NAVAJO TRIBE

Eastern Navajo Council — New Mexico

RESOLUTION

Subject: Adopting the attached Plan of Operations governing the conduct of the Eastern Navajo Council.

WHEREAS:

1 - The Eastern Navajo Council recognizing the need for a Plan of Operations to provide for the orderly conduct of its business caused a draft to be prepared, and

2 - All Council members did have the opportunity to review the draft and present suggestions and corrections.

NOW, THEREFORE BE IT RESOLVED THAT:

1 - The attached Plan of Operations fits the need of the Eastern Navajo Council and all business hereafter conducted by the Eastern Navajo Council will be governed accordingly.

CERTIFICATION

I HEREBY CERTIFY that the foregoing resolution was duly considered at a regularly called meeting of the Eastern Navajo Council, at which a quorum was present, at Crownpoint, New Mexico, and same was adopted by a vote of 67 for, none opposed, on April 16, 1966.

ERNEST BECENTI
Vice-President

ENC-AP-8-66
4-16-66

* * * *

PLAN OF OPERATION

1 - Meeting Place.

The Eastern Navajo Council holds its regular bi-monthly meetings at Crownpoint, New Mexico.

2 - Meeting Dates.

The Eastern Navajo Council holds its regular meetings on the third Saturday in the months of February, April, June, August, October and December. [Approved by Resolution CP-SAC-Au-2-64, 8/23/64].

3 - Membership and Voting.

The President, Vice-President and Secretary of each Chapter in Districts 15, 16 and 19, including Alamo, Canoncito and Ramah; the Tribal Council Delegates from Districts

15, 16 and 19 and the Tribal Council Delegates from Alamo, Canoncito and Ramah; the members of the District 15 Grazing Committee; and the members of the District 15, District 16 and District 19 Land Boards are members of the Eastern Navajo Council. Only members of the Eastern Navajo Council, as listed above, may make or second motions and vote on such motions, and vote in elections of Eastern Navajo Council officers.

4 - Regular and Special Meetings.

Official business of the Eastern Navajo Council may be conducted only at regular bi-monthly meetings or special meetings called by two or more of the Eastern Navajo Council officers with not less than ten days notice to the Eastern Navajo Council membership. Calls for special meetings shall state what items of business will be discussed at such meetings.

5 - Quorum.

Official business of the Eastern Navajo Council may be conducted only when a majority of the member Chapters, as listed in Section 3 above, are represented in the meeting by one or more of their Chapter officers.

6 - Officers and Term of Office.

Officers of the Eastern Navajo Council are the President, Vice-President and Secretary-Treasurer. Each serves a term of four years, except the current officers whose term of office will end during the month when the Tribal Council Delegates elected in the next Tribal Council elections are installed in office.

7 - Election of Officers.

(a) - Nomination and election of officers shall take place at the regular bi-monthly meeting on the third Saturday in December in those years when elections are held for Tribal Chairman, Tribal Vice Chairman and Tribal Council Delegates. Only those persons who will be serving as Tribal Council Delegates, Chapter Officers, Grazing Committee members or Land Board members during the following calendar year may be nominated for Eastern Navajo Council officer positions.

(b) - Only Eastern Navajo Council members, as listed in Section 3 above, may nominate candidates for Eastern Navajo Council officer positions and vote in Eastern Navajo Council elections. No person may be nominated for office unless he is present at the nomination and election meeting and states his willingness to serve if he is elected. Nominations will continue until there are at least two candidates for each office. Nominations will be made from the floor in the morning session and each candidate shall be given an opportunity to address the Council before the Council recesses for lunch.

(c) - Elections shall be held after lunch. A quorum, as defined in Section 5 above, shall be present before the election starts. Voting shall be by secret, colored ballots. Ballots will be distributed only to Eastern Navajo Council members. Election for each office will be held separately in the following order: (1) President; (2) Vice-President; (3) Secretary-Treasurer.

(d) - The President will appoint tellers—one from District 15, one from District 16 and one from District 19. The tellers will distribute, collect and count the ballots for each office and will elect one of their own number to report to the Secretary-Treasurer the results of the voting for each office. Balloting will continue until one candidate receives the majority of votes of the Eastern Navajo Council members present for each office. The Secretary-Treasurer will then announce the name of the successful candidate.

8 - Elections to fill Vacancies.

Whenever a vacancy occurs in an Eastern Navajo Council office, the higher ranking of the remaining two officers will report this fact to the Eastern Navajo Council membership and call for nominations and election at the next regular bi-monthly meeting, or at a special meeting if the next regular bi-monthly meeting is more than a month away, to fill the vacant office. The nomination and election procedure described in Section 7 above shall be followed in elections to fill vacancies.

9 - Duties of Officers.

The President.

(a) presides at all meetings of the Eastern Navajo Council and gives Eastern Navajo Council members the floor in the order in which they request a chance to speak.

(b) certifies all Eastern Navajo Council resolutions and signs all official correspondence as President of the Eastern Navajo Council.

(c) with the agreement of at least one other Eastern Navajo Council Officer, calls special meetings of the Eastern Navajo Council as special meetings are needed.

(d) represents, or appoints another Eastern Navajo Council Officer or member to represent the Eastern Navajo Council in meetings or conferences with other Eastern Navajo Councils, the Navajo Tribal Council, the Advisory Committee, the Bureau of Indian Affairs, U. S. Public Health Service and other agencies and organizations.

(e) appoints two sergeants-at-arms at each meeting to seat Eastern Navajo Council members in the first rows and to count votes when motions before the Eastern Navajo Council are being voted on.

(f) exercises such other authorities as the Eastern Navajo Council may delegate to him by formal Eastern Navajo Council resolution.

The Vice-President.

(a) acts as President of the Eastern Navajo Council in the absence of the President.

(b) acts as Chairman of the Resolutions Committee, whose membership and duties are described in Section 11 below. Maintains a file on all resolutions adopted by the Eastern Navajo Council and follows up to see that necessary action is being taken on such resolutions.

(c) assists the President in all meetings of the Eastern Navajo Council by keeping a record of Eastern Navajo Council members requesting the floor and the order in which each member requests a chance to speak.

(d) assists the Secretary-Treasurer by keeping a record of Eastern Navajo Council members making and seconding motions and the vote—both for and against—on each motion voted on.

The Secretary-Treasurer.

(a) keeps minutes and prepares reports on all Eastern Navajo Council meetings and Executive Committee meetings.

(b) takes attendance at all Eastern Navajo Council meetings.

(c) records all motions—names of Eastern Navajo Council members making and seconding each motion, substance of resolution (reasons for resolution and what is resolved or asked for); and vote—number for and number opposed. Prepares resolution in final form for certification by President.

(d) makes arrangements for duplicating each resolution adopted and for distributing copies to Eastern Navajo Council membership.

(e) maintains a file of all resolutions adopted with an index to the same.

(f) receipts for and keeps accounts of all dues paid by Chapters and other funds received, and equipment purchased by or given to the Eastern Navajo Council. Prepares and gives a report on Eastern Navajo Council finances at each regular bi-monthly meeting.

(g) signs checks for payments authorized by Executive Committee or Eastern Navajo Council.

(h) maintains all official Eastern Navajo Council files and records and turns same over to his successor when a successor is elected and installed in office.

(i) sends notices of Eastern Navajo Council meetings, as directed by the Executive Committee, to radio stations and newspapers.

10.- Executive Committee.

The President, Vice-President and Secretary-Treasurer comprise the Executive Committee. The Executive Committee meets not less than once every other month, in the months when the Eastern Navajo Council does not meet, and may meet more often as the need arises. The Eastern Navajo Agency Superintendent meets with the Executive Committee as an ex-officio (non-voting) member to provide advice and technical assistance as these may be needed.

The Executive Committee has the following duties:

(a) prepares agenda for and makes arrangements for speakers at Eastern Navajo Council meetings.

(b) approves banks where Eastern Navajo Council funds are to be deposited in savings and checking accounts. Withdrawals from savings accounts and checks on checking accounts are signed by the Secretary-Treasurer and must be co-signed either by the President or by the Vice-President and must be authorized in writing by the Executive Committee or by Eastern Navajo Council resolutions.

(c) approves and authorizes payment from Eastern Navajo Council funds of surety bond for Secretary-Treasurer.

(d) prepares and recommends to Eastern Navajo Council annual Eastern Navajo Council program and budget.

(e) authorizes expenditures of not more than $25 in any one transaction.

(f) exercises such other authorities as are delegated to the Executive Committee by formal Eastern Navajo Council resolution.

11 - Resolution Committee.

The Resolution Committee is composed of the Tribal Council Delegates from Districts 15, 16 and 19, including the Tribal Council Delegates from Alamo, Canoncito and Ramah; the Chairman of the District 15 Grazing Committee and the Chairman of the District 15, District 16 and District 19 Land Boards. The Resolutions Committee is responsible for following up on all resolutions adopted by the Eastern Navajo Council. Each resolution adopted hereafter by the Eastern Navajo Council will fix in the NOW, THEREFORE BE IT RESOLVED part of the resolution responsibility by name on one or more members of the Resolutions Committee to see that appropriate action is taken on the resolution. Committee members so named will be expected to report at each Eastern Navajo Council meeting on what action is being taken on resolutions assigned to them for follow-up. The Eastern Navajo Council Vice-President serves as Chairman of the Resolutions Committee.

12 - Agenda.

Agenda (problems requiring action) for Eastern Navajo Council meetings are problems which cannot be met at the Chapter level or the District Council level. They are big problems with which many Chapters are faced in more than one District. They call for action by all of the Chapters, all of the Tribal Council Delegates, all the Grazing Committee and Land Board members. Items for the Eastern Navajo Council agenda should come from the people through their Chapters, their Tribal Council Delegates, their Land Boards and their Grazing Committee. When Chapters are faced with problems they cannot solve they should ask that these problems be put on the agenda for the next District Council or the next Eastern Navajo Council. Chapters, Tribal Council Delegates, Land Board members and Grazing Committee members should send to the Eastern Navajo Council Secretary-Treasurer matters they want more information on or problems they need help in solving. They may send in items for the Eastern Navajo Council agenda at any time. If they want any item on the agenda for the next Eastern Navajo Council, they must send the item to the Secretary-Treasurer not later than the last week in the month before the month when the Eastern Navajo Council meets.

The Executive Committee (Eastern Navajo Council President, Vice-President and Secretary-Treasurer) hold their regular bi-monthly meeting during the last week in the months of January, March, May, July, September and November. At this meeting they prepare the agenda for the Eastern Navajo Council which will meet in the following month. It is at this meeting they consider what problems the people want discussed. The agenda is then mailed early in the following month to all the Chapters so all the Chapters will know what matters are going to be discussed at the next Eastern Navajo Council.

Chapters, Tribal Council Delegates, Land Board members and Grazing Committee members who want

to get items on the agenda for the Eastern Navajo Council meeting in	must send these items to the Secretary-Treasurer not later than the last week in
February	January
April	March
June	May
August	July
October	September
December	November

Only the Executive Committee has authority to invite, or to grant permission to non-Eastern Navajo Council members to speak at Eastern Navajo Council meetings.

13 - Chapter Membership Dues.

Each member Chapter of the Eastern Navajo Council, as listed in Section 3 above, shall pay dues of $10 a year to meet expenses of the Eastern Navajo Council--for stationery, postage, post office box rent, long distance telephone calls, etc. Dues shall be paid in January each year and may be paid in cash at any Eastern Navajo Council meeting to the Secretary-Treasurer, or may be mailed in the form of a check or money order. Checks or money orders should be made payable and mailed to Eastern Navajo Council, P. O. Box , Crownpoint, New Mexico 87313. A receipt will be issued to the Chapter by the Secretary-Treasurer and a financial report on all dues collected and all expenditures from Eastern Navajo Council funds will be made at each regular Navajo Council meeting.

14 - Order of Business.

The following will be the regular order of business at all Eastern Navajo Council meetings. The meeting will recess for one hour at noon for lunch.

10 A.M. - Meeting called to order by President
Invocation
Reading of minutes of last meeting
Treasurer's report
Report of Resolutions Committee
Introduction of guests
Agenda items as prepared by Executive Committee
Roll call

5 P.M. - Adjourn.

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THE NAVAJO TRIBE

DISTRICT 16 COUNCIL
(New Mexico)

PLAN OF OPERATION

1 - Meeting Place.

The District 16 Council rotates its regular bimonthly meetings to the various Chapter Houses throughout District 16.

2 - Meeting Dates.

The District 16 Council holds its regular meetings on the second Saturday in the months of January, March, May, July, September and November.

3 - Membership and Voting.

The President, Vice-President and Secretary of each Chapter in District 16 including Alamo, Canoncito and Ramah; the Tribal Council Delegates from District 16 and the Tribal Council Delegates from Alamo, Canoncito and Ramah; the members of the District 16 Land Boards are members of the District 16 Council. Only members of the District 16 Council, as listed above, may make or second motions and vote on such motions, and vote in elections of District 16 Council officers.

4 - Regular and Special Meetings.

Official business of the District 16 Council may be conducted only at regular bimonthly meetings or at special meetings called by two or more of the District 16 Council officers with not less than ten days notice to the District 16 Council membership. Calls for special meetings shall state what items of business will be discussed at such meetings.

5 - Quorum.

Official business of the District 16 Council may be conducted only when a majority (9) of the (17) member Chapters, as listed in Section 3 above, are represented in the meeting by one or more of their Chapter officers.

6 - Officers and Term of Office.

Officers of the District 16 Council are the President, Vice-President and Secretary-Treasurer. Each serves a term of four years, except the current officers whose term of office will end during the month when the Tribal Council Delegates elected in the next Tribal Council elections are installed in office.

7 - Election of Officers.

(a) Nomination and election of officers shall take place at the regular bimonthly meeting on the second Saturday in January in those years immediately following elections for Tribal Chairman, Tribal Vice Chairman and Tribal Council Delegates. Only those persons who will be serving as Tribal Council Delegates, Chapter Officers, or Land Board members during the following calendar year may be nominated for District 16 Council officer positions.

(b) Only District 16 Council members, as listed in Section 3 above, may nominate candidates for District 16 Council officer positions and vote in District 16 Council elections. No person may be nominated for office unless he is present at the nomination and election meeting and states his willingness to serve if he is elected. Nominations will continue until there are at least two candidates for each office. Nominations will be made from the floor in the morning session and each candidate shall be given an opportunity to address the Council before the Council recesses for lunch.

(c) Elections shall be held after lunch. A quorum, as defined in Section 5 above, shall be present before the election starts. Voting shall be by secret colored ballots. Ballots will be distributed only to District 16 Council members. Election for each office will be held separately in the following order: (1) President; (2) Vice-President; (3) Secretary-Treasurer.

(d) The President will appoint four tellers - one from the Chapters south of Gallup; one from the Chapters west of Gallup; one from the Chapters north and east of Gallup; and one from Alamo and Canoncito. The tellers will distribute, collect and count the ballots for each office and will elect one of their own number to report to the Secretary-Treasurer the results of the voting for each office. Balloting will continue until one candidate receives the majority of votes of the District 16 Council members present for each office. The Secretary-Treasurer will then announce the name of the successful candidate.

8 - Elections to Fill Vacancies.

Whenever a vacancy occurs in a District 16 Council office, the higher ranking of the remaining two officers will report this fact to the District 16 Council membership and call for nominations and election at the next regular bimonthly meeting, or at a special meeting if the next regular bimonthly meeting is more than a month away, to fill the vacant office. The nomination and election procedure described in Section 7 above shall be followed in elections to fill vacancies.

9 - Duties of Officers.

The President.

(a) presides at all meetings of the District 16 Council and gives District 16 Council members the floor in the order in which they request a chance to speak and requires each person speaking to stay on the subject under discussion.

(b) certifies all District 16 Council resolutions and signs all official correspondence as President of the District 16 Council.

(c) with the agreement of at least one other District 16 Council officer, calls special meetings of the District 16 Council as special meetings are needed.

(d) represents, or appoints another District 16 Council officer or member to represent the District 16 Council in meetings or conferences with other District Councils, the Navajo Tribal Council, the Advisory Committee, the Bureau of Indian Affairs, U. S. Public Health Service and other agencies and organizations.

(e) appoints two sergeants-at-arms at each meeting to seat District 16 Council members in the first rows and to count votes when motions before the District 16 Council are being voted on.

(f) appoints individuals or committees to perform special assignments.

(g) exercises such other authorities as the District 16 Council may delegate to him by formal District 16 Council resolution.

The Vice-President.

(a) acts as President of the District 16 Council in the absence of the President.

(b) acts as Chairman of the Resolutions Committee, whose membership and duties are described in Section 11 below. Maintains a file on all resolutions adopted by the District 16 Council and follows up to see that necessary action is being taken on such resolutions.

(c) assists the President in all meetings of the District 16 Council by keeping a record of District 16 Council members requesting the floor and the order in which each member requests a chance to speak.

(d) assists the Secretary-Treasurer by keeping a record of District 16 Council members making and seconding motions and the vote both for and against - on each motion voted on.

The Secretary-Treasurer.

(a) keeps minutes and prepares reports on all District 16 Council meetings and Executive Committee meetings.

(b) takes attendance at all District 16 Council meetings.

(c) records all motions - names of District 16 Council members making and seconding each motion, substance of resolution (reasons for resolution and what is resolved or asked for); and vote-number for and opposed. Prepares resolution in final form for certification by President.

(d) makes arrangements for duplicating each resolution adopted and for distributing copies to District 16 Council membership.

(e) maintains a file of all resolutions adopted with an index to the same.

(f) receipts for and keeps accounts of all dues paid; by Chapters and other funds received, and equipment purchased by or given to the District 16 Council. Prepares and gives a report on District 16 Council finances at each regular bimonthly meeting.

(g) signs checks for payments authorized by Executive Committee or District 16 Council.

(h) maintains all official District 16 Council files and records and turns same over to his successor when a successor is elected and installed in office.

(i) sends notices of District 16 Council meetings, as directed by the Executive Committee, to radio stations and newspapers.

10 - Executive Committee.

The President, Vice-President and Secretary-Treasurer comprise the Executive Committee. The Executive Committee meets not less than once every other month, in the months when the District 16 Council does not meet, and may meet more often as the need arises. The Eastern Navajo Agency Superintendent, the Navajo Tribe's Public Services Community Development Worker and the Office of Navajo Economic Opportunity Local Community Development Program Co-ordinator (or Senior Specialist) for the Eastern Navajo area meet with the Executive Committee as ex-officio (non-voting) members to provide advice and technical assistance as these may be needed.

The Executive Committee has the following duties:

(a) prepares agenda for and makes arrangements for speakers at District 16 Council meetings.

(b) approves banks where District 16 Council funds are to be deposited in savings and checking accounts. Withdrawals from savings accounts and checks on checking accounts are signed by the Secretary-Treasurer and must be co-signed either by the president or by the Vice-President and must be authorized in writing by the Executive Committee or by District 16 Council resolution.

(c) approves and authorizes payment from District 16 Council funds of surety bond for Secretary-Treasurer.

(d) prepares and recommends to District 16 Council annual District 16 Council program and budget.

(e) authorizes expenditures of not more than $25 in any one transaction.

(f) exercises such other authorities as are delegated to the Executive Committee by formal District 16 Council resolution.

11 - Resolutions Committee.

The Resolutions Committee is composed of the Tribal Council Delegates from District 16, including the Tribal Council Delegates from Alamo, Canoncito and Ramah and the members of the District 16 Land Board. The Resolutions Committee is responsible for following up on all resolutions adopted by the District 16 Council. Each resolution adopted hereafter by the District 16 Council will fix in the NOW, THEREFORE BE IT RESOLVED part of the resolution responsibility by name on one or more members of the Resolutions Committee to see that appropriate action is taken on the resolution. Committee members so named will be expected to report at each District 16 Council meeting on what action is being taken on resolutions assigned to them for the follow-up. The District 16 Council Vice-President serves as Chairman of the Resolutions Committee.

12 - Agenda.

Agenda (problems requiring action) for District 16 Council meetings are problems which cannot be met at the Chapter level. They are big problems with which two or more Chapters are faced. They call for action by all of the Chapters, all of the Tribal Council Delegates, and all the Land Board members. Items for the District 16 Council agendas should come from the people through their Chapters, their Tribal Council Delegates, and their Land Board. When Chapters are faced with problems they cannot solve they should ask that these problems be put on the agenda for the next District Council. Chapters, Tribal Council Delegates and Land Board members should send to the District 16 Council Secretary-Treasurer matters they want more information on or problems they need help in solving. They may send in items for the District 16 Council agenda at any time. If they want any item on the agenda for the next District 16 Council, they must send the item to the Secretary-Treasurer not later than the last week in the month before the month when the District 16 Council meets.

The Executive Committee (District 16 Council President, Vice-President and Secretary-Treasurer) hold their regular bimonthly meeting during the last week in the months of February, April, June, August, October and December. At this meeting they prepare the agenda for the District 16 Council which will meet in the following month. It is at this meeting they consider what problems the people want discussed. The agenda is then mailed early in the following month to all the Chapters so all the Chapters will know what matters are going to be discussed at the next District 16 Council.

Chapters, Tribal Council Delegates and Land Board members who want

to get items on the agenda for the District 16 Council meeting in	must send these items to the Secretary-Treasurer not later than the last week in
January	February
March	April
May	June
July	August
September	October
November	December

Only the Executive Committee has authority to invite, or to grant permission to non-District 16 Council members to speak at District 16 Council meetings.

13 - Chapter Membership Dues.

Each member Chapter of the District 16 Council, as listed in Section 3 above, shall pay dues of $10 a year to meet expenses of the District 16 Council for stationery, postage, post office box rent, long distance telephone calls, etc. Dues shall be paid in January each year and may be paid in cash at any District 16 Council meeting to the Secretary-Treasurer, or may be mailed in the form of a check or money order. Checks or money orders should be made payable and mailed to District 16 Council, P.O. Box_____, Crownpoint, New Mexico 87313. A receipt will be issued to the Chapter by the Secretary-Treasurer and a financial report on all dues collected and all expenditures from District 16 Council funds will be made at each regular District 16 Council meeting.

14 - Order of Business.

The following will be the regular order of business at all District 16 Council meetings. The meeting will recess for one hour at noon for lunch.

10 A.M. - Meeting called to order by President
Invocation
Reading of minutes of last meeting
Treasurer's report
Report of Resolutions Committee
Introduction of new District Council members and guests
Agenda items as prepared by Executive Committee
Roll call

5 P.M. - Adjourn

15 - Amendments.

This plan of operation may be amended by formal resolution at any regular or special meeting of the District 16 Council provided that copies of the proposed amendment are furnished to each member of the District Council two weeks in advance of the meeting at which the proposed amendment is to be voted on.

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CONSTITUTION AND BY-LAWS OF THE AK CHIN (PAPAGO) INDIAN COMMUNITY, ARIZONA

Approved December 20, 1961

"ARTICLES OF ASSOCIATION"

WHEREAS The Ak Chin Indian Community is an unorganized group of Papago Indians living on the Maricopa (Ak Chin) Indian Reservation in Pinal County, State of Arizona, hereinafter referred to as the "Community", and

WHEREAS The Community has no Constitution and By-Laws under which it operates, and

WHEREAS The Community has conducted its business affairs by voice of the entire Community through an elected Chairman and Secretary, and

WHEREAS The Community now desires to organize under Articles of Association with a duly elected governing body (Community Council) consisting of five members who will have the specific powers and duties hereinafter enumerated and that the Bureau of Indian Affairs and others shall recognize the Community Council's authority to act and speak for and on behalf of the Community.

NOW THEREFORE BE IT RESOLVED THAT the Ak Chin Indian Community, subject to the approval of the Secretary of the Interior, do hereby adopt the following Articles of Association.

ARTICLE I — TERMS

SECTION 1. For the convenience of brevity and unless otherwise specified, the following terms will be construed to have the meanings setforth in this section:

(A) Community - Ak Chin Indian Community.
(B) Council - Ak Chin Indian Community Council.
(C) Reservation - Maricopa (Ak Chin) Indian Reservation, Arizona.
(D) Secretary of the Interior - The Secretary of the Interior or his duly authorized representative.
(E) Superintendent - Superintendent of Pima Agency, Sacaton, Arizona, under which the Reservation is placed for administrative purposes, or his successor.
(F) Chairman - Chairman of the Ak Chin Indian Community.
(G) Vice-Chairman - Vice Chairman of the Ak Chin Indian Community.
(H) Treasurer - Treasurer of the Ak Chin Indian Community.
(I) Secretary - Secretary of the Ak Chin Indian Community.
(J) Councilman - Male (or Female) member of the Ak Chin Indian Community elected to the Council.
(K) He (he or she) - Wherever used the masculine shall include the feminine.

ARTICLE II — TERRITORY

The jurisdiction of the community shall extend to all lands now comprised within the Maricopa (Ak Chin) Indian Reservation and to such other lands as may hereafter be acquired for the use and benefit of the community.

ARTICLE III — MEMBERSHIP

SECTION 1. The membership of the Community shall be determined as follows:

(a) All persons of Indian blood whose names appear on the official census rolls as of June 30, 1928; provided, that within five years after the adoption and approval of these Articles of Association, corrections may be made in said roll by the Community Council, subject to the approval of the Secretary of the Interior.

(b) After the approval of these Articles of Association by the Secretary of the Interior, all children of members where-ever born shall be entitled to membership in the Community if they are at least one fourth degree Indian blood.

(c) The Council shall have the power to enact ordinances, subject to the approval of the Secretary of the Interior, governing future membership, and the adoption of members of the Community.

ARTICLE IV — GOVERNING BODY

SECTION 1. The governing body of the Community shall be known as the Ak Chin Indian Community Council and shall consist of a Chairman, Vice-Chairman, and three council members who shall be elected by the qualified voters of the Community. Three (3) members of the Council shall constitute a quorum.

SEC. 2. The first election of Council members under these Articles of Association shall be held within ninety (90) days following the adoption and approval of the Articles of Association.

In the first election the two (2) candidates receiving the highest number of votes shall hold office for a period of three years. The next two ccandidates receiving the highest number of votes shall hold office for a period of two (2) years. The candidate receiving the fifth highest number of votes shall hold office for a period of one (1) year, thereafter, Council members shall serve for three years, one member to be elected at the end of the first year, two members to be elected at the end of the second, and two members at the end of the third year.

SEC. 3. The Council Chairman, and Vice Chairman, shall be elected from the Council membership by the qualified voters of the Community for a period of one (1)year. The Chairman and Vice-Chairman shall be elected immediately following the election of the Council members. Only Council members are eligible for these offices. The Chairman, or Vice Chairman, may be re-elected for successive terms.

SEC. 4. The Council may choose the Secretary, and Treasurer, from within, or without, the Council or the Community membership.

ARTICLE V — QUALIFICATION OF OFFICERS

SECTION 1. No person shall be elected or hold the office of Chairman, Vice Chairman, or Councilman unless he:

(1) Is a member of the Community.

(2) Has reached the age of twenty-five years (25), has been living on the reservation for at least one year preceding the election. Additional qualifications may be prescribed by ordinance enacted by the Council.

ARTICLE VI — ELECTIONS

SECTION 1. Any member of the Community twenty-one (21) years of age, or over, shall be entitled to vote.

SEC. 2. The Council shall prescribe election regulations with respect to the dates thereof, polling places, election committees and their duties, absentee balloting, and any other requirements thereof.

ARTICLE VII — VACANCY

SECTION 1. The Council shall declare that a vacancy exists when any officer or member of the Council shall die, become insane, resign, or be removed from office for neglect of duty or gross misconduct, is permanently leaving the Community, or shall be found guilty of a felony or misdemeanor involving dishonesty in any Indian, County, State, or Federal Court.

SEC. 2. The Council by affirmative vote of three (3) members may expel any member for neglect of duty, or gross misconduct in office, but, before any vote for expulsion is taken, such member shall be given a fair opportunity to answer any, or all, charges. The decision of the Council shall be final.

SEC. 3. Should a vacancy exist in the office of the Chairman, the Vice Chairman shall immediately succeed to the office of the Chairman, and the office of Vice Chairman shall thereupon be vacant.

SEC. 4. Should a vacancy exist in the office of the Vice Chairman, or Councilman, a successor shall be elected at a special election called by the Council within sixty (60) days after the vacancy occurs. Should a vacancy occur within six (6) months, or less, of a regular scheduled election the Council may waive the special election and allow the vacancy to exist until the successor is elected at the regular scheduled election.

ARTICLE VIII — POWERS OF THE COMMUNITY COUNCIL

SECTION 1. The Council shall exercise the following powers subject to any limitations imposed by applicable statutes of the United States and the regulations of the Secretary of the Interior made pursuant thereto.

(a) To represent the Community in negotiations with Federal, State, and local governments and other corporations, associations, partnerships, or individuals and to cooperate with the Bureau of Indian Affairs, Department of Public Health, and various departments and agencies of the State of Arizona in matters of welfare, education, recreation, and social services.

(b) To appoint subordinate officials, committees, and boards and to prescribe their duties and powers.

(c) To promote and protect the health, peace, morals, education, and general welfare of the Community and its members.

(d) To administer all Community property.

(e) To prepare and adopt budgets subject to approval by the Secretary of the Interior.

(f) To expend money in conformance with an adopted budget.

(g) To employ legal counsel, the choice of the counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(h) To make assignments of Community land property and the improvements thereon.

(i) To regulate inheritance of assignments.

(j) To assess fees on Community members for public purposes, or to finance any project or enterprise which it deems beneficial to the interests of the Community as a whole.

(k) To provide by ordinance regulations for removal or exclusion from the Reservation non-members whose presence may be injurious to the peace, health, or welfare of the Community. Such ordinances shall be subject to review by the Secretary of the Interior.

(l) To determine its own rules of procedures.

(m) To take such actions as are necessary to carry into effect any of the foregoing powers or duties.

(n) To prevent the sale, disposition, lease, use or encumbrance of Community Assets.

(o) To advise the Secretary of the Interior on all activities that may affect the Ak Chin Indian Community, and on all appropriation estimates and Federal projects for the benefit of the Community before such estimates and projects are submitted to the Bureau of the Budget and to Congress.

ARTICLE IX — AMENDMENTS

SECTION 1. These Articles of Association may be amended by a majority vote of the qualified voters of the Community voting at an election called for that purpose by the Secretary of the Interior, provided that at least thirty percent (30%) of those entitled to vote shall vote in such an election, but no amendment shall become effective until it shall have been approved by the Secretary of the Interior.

It shall be the duty of the Secretary of the Interior to call an election on any proposed Amendment at the request of the Community Council, or upon receipt of a petition signed by at least thirty per cent (30%) of the qualified voters of the Community.

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BY-LAWS OF THE AK CHIN INDIAN COMMUNITY

SECTION 1. Each elected and each appointed officer shall have such powers and perform such duties as are prescribed by the Articles of Association, or by Community Ordinances, of the Council.

SEC. II. The chairman shall be the Chief Executive Officer of the Community.

SEC. III. The Vice Chairman shall assist the Chairman when called upon to do so, and shall function as Chairman in his absence.

SEC. IV. The Secretary shall be the official Custodian of all files, records, and correspondence of the Community and of the Community Seal. He shall prepare all minutes, resolutions, and ordinances enacted by the Council and transmit required copies to the Superintendent.

SEC. V. The Treasurer shall accept, receive, give receipt for and safeguard all funds of the Community. As directed by the Council, he shall deposit all funds, without limitation on the amount in any account, in any national or state bank whose deposits are insured by any agency of the Federal Government; or deposit funds with bonded disbursing officer of the United States. All deposits shall be made in the name of the Ak Chin Community. The Council may require deposits in banks to be collateralized. He shall not pay or disburse any funds of the Community except when properly authorized to do so by the Council. At the second regular Council meeting each month he shall submit a written report of receipts, disbursements, and the balance in each separate account for the preceding calendar month.

He may designate a duly bonded agent to perform any of his duties under his direction. Executed copy of such designation must be filed with the Secretary.

The books and records of the Treasurer shall be audited at least once a year and at such other times as the Council may direct, by a firm of certified public accountants employed by the Council. The Treasurer and all others handling Community funds shall be bonded by a corporate surety on the list approved by the United States Treasury Department, in an amount satisfactory to the Council and approved by the Secretary of the Interior. The Council may authorize a blanket bond.

SEC. VI. A duly elected Councilman shall not lose his right to vote at Council meetings because of membership on any committee.

SEC. VII. Each officer, committeemen or other person appointed, assigned, or serving in any capacity for the Council shall at the end of his service in office turn over all correspondence, books, records, and documents to the Secretary.

SEC. VIII. The regular meetings of the Council shall be held on the first and third Wednesday of each month unless otherwise designated by the Council.

SEC. IX. Special Council Meetings may be held at such time and place as:

(a) The Council may designate.
(b) The Chairman may by call designate.
(c) Written application of three more members of the Council may designate.

The Secretary shall give notice of such meeting to the Chairman, Vice Chairman, and all councilmen.

SEC. X. Each duly elected, or appointed, officer shall before assuming the duties of his office be given or subscribe to the following oath of office:

> "I, ____________________, do solemnly swear that I will support and defend the Constitution of the United States against all enemies; that I will faithfully and impartially carry out the duties of my office to the best of my ability; that I will promote and protect the best interest of the Ak Chin Community in accordance with its Articles of Association, so help me God."

____
SIGNATURE

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CERTIFICATION OF ADOPTION

Pursuant to an order approved August 7, 1961, by the Assistant Secretary of the Interior, the attached Articles of Association of the Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona, were submitted for ratification to the qualified voters of the reservation and were on September 16, duly adopted by a vote of 44 for and 8 against, in an election in which at least thirty percent(30%) of those entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1936, (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

RICHARD CARLYLE
Chairman of Election Board

ROSS LOPEZ
Secretary of Election Board

MINTON J. NOLAN
Superintendent, Pima Agency

***

APPROVAL

I, John A. Carver, Jr., Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the Articles of Association of the Maricopa, (Ak-Chin) Indian Community.

Approval recommended:

PHILLEO NASH
Commissioner
Bureau of Indian Affairs

JOHN A. CARVER, JR.
(Assistant) Secretary of the Interior

Washington, D.C.
Date: Dec. 20, 1961.

[SEAL]

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AMENDMENT I

AMENDMENT I, was approved October 5, 1966, by the Assistant Secretary of the Interior. This replaces the wording under Article III, Membership.

ARTICLE III — MEMBERSHIP

SECTION 1. The membership of the Ak-Chin Indian Community shall be determined as follows:

(a) All persons of Indian blood whose names appear on the official census roll as of January 1, 1940, except those individuals designated with the letters N E (Not Enrolled) and those individuals who have relinquished membership or have become enrolled as members of some other tribe or band.

(b) All children of 1/4 or more degree Indian blood born after January 1, 1940, to members of the Ak-Chin Indian Community.

(c) Adoption into the Community of any person of Indian blood who does not meet the requirements in this Article shall be accomplished by the majority vote of the qualified voters of the Community, voting at an election called for that purpose by the Community Council or upon presentation of a petition for the meeting signed by one-fourth of the qualified voters, members of the Ak-Chin Indian Community. Such adoptions shall be subject to the approval of the Secretary of the Interior or his authorized representative.

(d) Any person of at least 1/4 degree Indian blood may be adopted into the Ak-Chin Indian Community as long as he is legally adopted by a member or members of the Ak-Chin Indian Community. Such adoptions shall be accomplished by the majority vote of the Ak-Chin Indian Community Council, subject to the approval of the Secretary of the Interior or his authorized representative.

(e) Corrections may be made to the roll any time by the Community Council, subject to the approval of the Secretary of the Interior.

(f) Any person rejected for enrollment as a member of the Ak-Chin Indian Community, except those persons rejected under Subsection (c) of this section, shall have the right to appeal from that decision to the Secretary of the Interior and the decision of the Secretary shall be final. All appeals must be filed in accordance with the procedures set out in 25 CFR 42.

(g) The enrollment records shall be kept current by the Community Council who shall remove therefrom the names of persons who die or relinquish membership in the Community and by adding thereto the names of the persons who qualify for membership.

(h) The Community Council shall have the authority to prescribe rules to be followed in compiling a membership roll, the completed roll to be approved by the Community Council. In the event the roll is used as the basis for distributing tribal assets, it shall be submitted to the Secretary of the Interior for approval.

AMENDMENT II

AMENDMENT II reads as follows:

ARTICLE VIII, Powers of the Community Council, shall be amended by adding thereto a new section, Section 2, Manner of Review.

SEC. 2. Manner of Review. Any ordinance or resolution which, by the terms of these Articles of Association, is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the Pima Agency, who shall, within ten days after its receipt, approve or disapprove the same. If the Superintendent shall approve said ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may, within 90 days from the date of receipt by him, rescind the said ordinance or resolution for any cause by notifying the Council of such decision. If the Superintendent shall refuse to approve any ordinance or resolution within 10 days after its receipt, he shall advise the Council of his reasons therefor in writing. If these reasons appear to the Council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within 90 days from the date of its receipt by him, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

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Amendments I and II were approved October 5, 1966, by the Assistant Secretary of the Interior, Harry R. Anderson, at Washington, D.C.

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CONSTITUTION AND BY-LAWS OF THE KAIBAB BAND OF PAIUTE INDIANS OF THE KAIBAB RESERVATION, ARIZONA

Approved June 15, 1951

[The Kaibab-Paiute Tribe does not have a federal corporate charter.]

PREAMBLE

We the members of the Kaibab Band of Paiute Indians in order to show our gratefulness to Almighty God, and to improve ourselves in the art of civilization and provide a means of orderly transaction of tribal business and the free expression of the tribal will, do ordain and establish this Constitution and By-laws for the Paiute Indians on the Kaibab Reservation of the State of Arizona, henceforth to be known as the Kaibab Band of Paiute Indians.

ARTICLE I — TERRITORY

The jurisdiction of the Kaibab Band of Paiute Indians shall extend to the territory within the confines of the Kaibab Indian Reservation as established by Executive Orders of June 11, 1913 and July 17, 1917, and to such other lands as may be hereafter added thereto by purchase or otherwise.

ARTICLE II — MEMBERSHIP

SECTION 1. The membership of the Kaibab Band of Paiute Indians shall be governed by the following provisions:

(a) All persons of Indian blood whose names appear on the official allotment rolls of the Kaibab Indian Reservation, shall be members of the Band: Provided, that the Tribal Council shall have power to revise said roll with the approval of the Secretary of the Interior or his authorized representative.

(b) A member who remains away from the reservation continuously for a period of twenty (20) years shall automatically forfeit his membership, but if he returns to the Reservation he may be reinstated by a majority vote of the Council of the Band.

(c) Any descendant of a member possessing one-quarter degree or more of Indian blood shall be entitled to membership in the Band, but any such descendent having less than this degree of Indian blood may be admitted to membership by a majority vote of the eligible voters of the Band.

(d) Persons of one-quarter or more degree of Indian blood marrying members of the Kaibab Band may be adopted into the tribe by a three-fourths vote of the eligible voters of the Band.

(e) No persons other than those enumerated in this article may be adopted as members of the Band.

(f) The Tribal Council shall have power to promulgate ordinances, subject to approval of the Secretary of the Interior or his authorized representative regulating the procedure of adoption into membership.

ARTICLE III — GOVERNING BODY

SECTION 1. The governing body of the Kaibab Band of Paiute Indians shall consist of a council, known as the Tribal Council.

SEC. 2. The Tribal Council shall consist of six members duly elected to serve for a period of three years, two members being elected each year, except that in the initial election the two candidates receiving the highest number of votes shall serve for three years; the two candidates receiving the next highest number of votes shall serve for two years, and the two candidates receiving the next highest number shall serve for one year.

SEC. 3. Thereafter members of the Council shall serve for three (3) years and one-third of the membership of the Council shall be elected each year on the day and month provided in Section 5.

SEC. 4. The Tribal Council shall elect from within its own membership (a) a Chairman, (b) a Vice-Chairman, and from within or without its own membership, (c) a Secretary-Treasurer, and such other officers and committees as may be deemed necessary.

The Chairman shall vote only in the event of a tie.

SEC. 5. The election of Council members shall be held on the first Wednesday in October.

SEC. 6. All elections shall be by secret ballot and shall be held in accordance with rules and regulations prescribed by the Tribal Council.

ARTICLE IV — VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If a Tribal Council member shall die, resign, permanently leave the reservation, or be removed for cause, the Council shall declare the position vacant and appoint a successor to serve until the annual general tribal council meeting in October, at which time the general tribal council shall elect a successor for the unexpired term.

SEC. 2. Upon receipt of a petition signed by one-third of the eligible voters of the Band demanding the recall of any member or members of the Tribal Council named in said petition, it shall be the duty of the Council to call an election on such recall petition. No member may be recalled in any such election unless at least 30 percent of the eligible voters of the Band shall vote at such an election. In the event the majority of those voting in such election favor a recall from office, the office shall be declared vacant and the Council shall proceed in the manner prescribed in Section 1 of this article to fill the vacancy.

ARTICLE V — POWERS OF THE TRIBAL COUNCIL

SECTION 1. Enumerated Powers. The Tribal Council of the Kaibab Band of Paiute Indians shall exercise the following powers, subject to any limitations imposed by the Statutes or the Constitution of the United States:

(a) To negotiate with Federal, State, and local governments on behalf of the Band.

(b) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior or his authorized representative.

(c) To veto the sale, disposition, lease or encumbrance of the tribal lands, interest in lands, or other tribal assets.

(d) To advise the Secretary of the Interior or his authorized representative of its wishes with regard to Federal projects, or appropriations for the benefit of the Band.

(e) To appoint subordinate boards and officers and to prescribe their duties and powers.

(f) To promulgate and enforce ordinances, which shall be subject to review by the Secretary of the Interior or his authorized representative, governing the conduct of members of the Band; providing for the levying of taxes and the appropriation of available funds of the Band for public purposes; providing for the licensing of non-members coming upon the reservation for purposes of hunting, fishing, trading or other business; and for the exclusion from the reservation of persons not legally entitled to reside thereon.

(g) To provide for the appointment of guardians for minors and mental incompetents by ordinance or resolution, subject to review by the Secretary of the Interior or his authorized representative.

(h) To charter subordinate organizations for economic purposes, to delegate to such organizations, or to any subordinate board or officials of the Band, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated powers.

(i) To manage all economic affairs and enterprises of the Band in accordance with the terms of a Charter which may be issued to the Kaibab Band of Paiute Indians by the Secretary of the Interior.

(j) To protect the public health and morals and to provide for public welfare.

(k) To adopt resolutions not inconsistent with this Constitution and By-laws regulating the procedure of the Tribal Council and of the organizations of the Kaibab Band of Paiute Indians.

SEC. 2. Further Powers. The Tribal Council may exercise such further powers as may in the future be delegated to it by the Secretary of the Interior or by any other duly authorized official or agency of the State or Federal Government.

SEC. 3. Reserved Powers. Any rights and powers heretofore vested in the Kaibab Band of Paiute Indians but not expressly referred to in this Constitution, shall not be abridged by this article, but may be exercised by the members of the Band through the adoption of appropriate by-laws and constitutional amendments.

SEC. 4. Manner of Review. Any resolution or ordinance which by the terms of this

Constitution shall be subject to review by the Secretary of the Interior shall be presented to the Superintendent of the reservation within fifteen days after its enactment. The Superintendent shall, within ten days after its receipt, approve or disapprove same. If the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may, within ninety days from date of enactment, rescind the said ordinance or resolution for any cause, by notifying the Tribal Council of such decision.

If the Superintendent shall refuse to approve any ordinance or resolution submitted to him within ten days after its receipt he shall advise the Council of his reasons therefor. If these reasons appear to the Council insufficient, it may by majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within ninety days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

ARTICLE VI — BILL OF RIGHTS

SECTION 1. Suffrage. Any member of the Kaibab Band of Paiute Indians twenty-one (21) years of age or over, who has maintained legal residence on the reservation for one year immediately preceding any election, shall be eligible to vote for election to office therein.

SEC. 2. Economic Rights. All members of the Band shall be accorded equal opportunity to participate in the economic resources and activities of the reservation.

SEC. 3. Civil Liberties. All members of the Band shall enjoy without hindrance, freedom of worship, conscience, speech, press, assembly and association.

ARTICLE VII — LAND

All lands of the Kaibab Reservation and all lands which may hereafter be acquired by the Kaibab Band of Paiute Indians or by the United States in trust for the Kaibab Band of Paiute Indians, shall be held as tribal land and no part of such land shall be mortgaged or sold. Tribal land shall not be allotted to individual Indians, but may be assigned to members of the Tribe, or leased, or otherwise used by the Band in accordance with such ordinances and resolutions as may be adopted by the Tribal Council.

ARTICLE VIII — AMENDMENTS

This Constitution and By-laws may be amended by majority vote of the qualified voters of the Band, voting at an election called for that purpose by the Secretary of the Interior; Provided, that at least 30 percent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior.

It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment at the request of two-thirds of the members of the Tribal Council, or upon presentation of a petition signed by one-fourth of the qualified voters, members of the Kaibab Band of Paiute Indians.

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BY-LAWS OF THE KAIBAB BAND OF PAIUTE INDIANS OF THE KAIBAB RESERVATION

ARTICLE I — DUTIES OF OFFICERS

SECTION 1. Chairman of the Tribal Council. The Chairman of the Tribal Council shall preside over all meetings of the Tribal Council, shall perform all duties of the Chairman and exercise any authority delegated to him by the Tribal Council. The Chairman shall also preside at all meetings of the Band. He shall have no vote, except as provided in Article III, Section 4.

SEC. 2. The Vice-Chairman of the Tribal Council. The Vice-Chairman shall assist the Chairman when called upon to do so, and in the absence of the Chairman, he shall preside. When so presiding he shall have all the rights, privileges, duties, and responsibilities of the Chairman.

SEC. 3. The Secretary-Treasurer of the Tribal Council. The Secretary-Treasurer shall keep a full report of all proceedings of each regular and special meeting of the Tribal Council and the Band, and shall perform such other duties of like nature as the Tribal Council shall from time to time by resolution provide, and shall transmit copies of the minutes of each meeting to the Superintendent in charge of the Reservation and to the Commissioner of Indian Affairs.

The Secretary-Treasurer shall be the custodian of all moneys which may come under the jurisdiction or control of the Tribal Council. He shall pay out money in accordance with the orders and resolutions of the Tribal Council. He shall keep an account of all receipts and disbursements and shall report the same to the Tribal Council at each regular meeting.

He shall be bonded in such an amount as the Tribal Council may, by resolution, prescribe. The bond shall be subject to the approval of the Commissioner of Indian Affairs. The books of the Secretary-Treasurer shall be subject to audit or inspection at the direction of the Tribal Council or the Commissioner of Indian Affairs. Until the Secretary-Treasurer is bonded, the Tribal Council may make such provisions for the custody and disbursing of funds as shall guarantee their safe and proper disbursement and use.

SEC. 4. Duties of Appointive Officers and Boards. The duties of all appointive officers or boards shall be clearly defined by resolution of the Tribal Council at the time of their creation or appointment. Such boards and officers shall report from time to time, as required, to the Tribal Council, and their activities and decisions shall be subject to review by the Tribal Council upon the complaint of any person aggrieved.

SEC. 5. It shall be the duty of the Tribal Council, and every member thereof, to promote the general welfare of the members of the Band, and to carry out the provisions and purposes of this Constitution and By-laws.

ARTICLE II — CERTIFICATE OF ELECTION

It shall be the duty of the Board appointed by the council to certify to the results of the election within five days after the election is held. The Secretary-Treasurer shall notify the persons elected.

ARTICLE III — COMPENSATION OF COUNCIL MEMBERS

The Tribal Council may prescribe such compensation of officers and members of the Tribal Council as it deems advisable from such funds as may be available, subject to the approval of the general meeting of the Band in the annual October meeting.

ARTICLE IV — TIME AND PLACE OF MEETING

SECTION 1. Meetings. Regular meetings of the Tribal Council shall be held at Moccasin, Arizona, on the Kaibab Reservation once a month, at such time as the council by resolution may designate.

Special meetings may be called by the Chairman or by written notice signed by a majority of the Tribal Council members, and when so called, the Tribal Council shall have power to transact business as in regular meetings.

SEC. 2. Quorum. No business shall be transacted unless a quorum is present. A quorum shall consist of four council members.

SEC. 3. Quorum of the General Council. A quorum at a general council of the Tribe shall consist of one-third of eligible resident voters of the reservation.

SEC. 4. General Council Meetings. There shall be an annual general council meeting open to all members of the Band, held on the Kaibab Indian Reservation the first Wednesday of October. At this annual meeting, election of council members and officers shall be held as designated heretofore in this Constitution. It shall also be the duty of the retiring Chairman to make a report at said meeting of the activities of the Tribal Council throughout the year, and to outline proposed plans for the economic and social betterment of the reservation.

SEC. 5. Special Meetings. Special general council meetings may be called by the Chairman of the Tribal Council, provided that due notice is posted within the reservation at least five days prior to such meeting. Thirty percent of the legal voters of the Band may at any time, by written petition, call a general council meeting, provided, that at least five days' notice is posted within the reservation.

SEC. 6. Order of Business. The order of business at any regular or special meeting of the Tribal Council shall be as follows:

1. Call to order by the Chairman
2. Roll call
3. Readings of minutes of previous meeting
4. Report of Committees
5. Report of Secretary-Treasurer
6. Reading of communications
7. Unfinished business
8. New business
9. Adjournment

ARTICLE V — INSTALLATION OF OFFICERS AND COUNCIL MEMBERS

Each officer elected or appointed hereunder shall taken an oath of office prior to assuming the duties thereof, by which oath he shall pledge himself to support and defend the Constitution of the United States and this Constitution and By-laws.

Oath: "I, ___________________, do solemnly swear that I will support and defend the Constitution of the United States against all enemies; that I will carry out faithfully and impartially the duties of my office to the best of my ability; that I will cooperate, promote and protect the best interests of my people, in accordance with the Constitution and By-laws."

ARTICLE VI — RATIFICATION OF CONSTITUTION AND BY-LAWS

This Constitution and By-laws, when adopted by a majority vote of the voters of the Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, voting at a special election called by the Secretary of the Interior, in which at least 30 percent of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval, and shall be in force from the date of such approval.

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APPROVAL

I, Dale E. Doty, Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and By-laws of the Kaibab Band of Paiute Indians, Arizona.

All rules and regulations heretofore promulgated by the Interior Department or by the Bureau of Indian Affairs so far as they may be incompatible with any of the provisions of the said Constitution and By-laws are hereby declared inapplicable to the Kaibab Band of Paiute Indians.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and By-laws.

Approval recommended: June 11, 1951

D. S. MYER
Commissioner of Indian Affairs

DALE E. DOTY
Assistant Secretary of the Interior

Washington, D. C.

June 15, 1951.

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CERTIFICATION OF ADOPTION

Pursuant to an order, recommended by the Constitutional Committee, of the Kaibab Band of Paiute Indians, the attached Constitution and By-laws was submitted for ratification to the members of the Kaibab Band of Paiute Indians and was on May 15, 1951, duly approved by a vote of 26 for and 5 against, in an election in which more than 30 per cent of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

MORRIS JAKE
Chairman, Election Board

JULIA BULLETTS
Secretary, Election Board

May 15, 1951

FORREST R. STONE
Superintendent, Uintah & Ouray Agency

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AMENDMENT TO THE CONSTITUTION AND BY-LAWS

AMENDMENT I

ARTICLE II of the Constitution, Membership, shall be amended in its entirety to read as follows:

SECTION 1. The membership of the Kaibab Band of Paiute Indians shall be governed by the following provisions:

(a) All persons of Indian blood whose names appear on the official census roll of the Kaibab Reservation as of January 1, 1940, except those individuals who have relinquished membership in the Kaibab Band or have become enrolled as members of some other tribe or band.

(b) All children of 1/4 or more degree Indian blood born after January 1, 1940, to members of the Kaibab Band.

(c) Adoption into the tribe of any person of Indian blood who does not meet the requirements in this Article shall be accomplished by the majority vote of the qualified voters of the band, voting at an election called for that purpose by the Tribal Council or upon presentation of a petition for the meeting signed by one-fourth of the qualified voters, members of the Kaibab Band of Paiute Indians. Such adoptions shall be subject to the approval of the Secretary of the Interior or his authorized representative.

(d) Corrections may be made to the roll at any time by the Tribal Council, subject to the approval of the Secretary or his authorized representative.

(e) Any person rejected for enrollment as a member of the Kaibab Band, except those persons rejected under subsection (c) of this section, shall have the right to appeal from that decision to the Secretary of the Interior and the decision of the Secretary shall be final. All appeals must be filed in accordance with the procedures set out in 25 CFR 42.

(f) The enrollment records shall be kept current by the Tribal Council who shall remove therefrom the names of persons who die or relinquish membership in the band, and by adding thereto the names of persons who qualify for membership.

(g) The Tribal Council shall have the authority to prescribe rules to be followed in compiling a membership roll, the completed roll to be approved by the Tribal Council. In the event the roll is used as the basis for distributing tribal assets, it shall be submitted to the Secretary of the Interior for approval.

***

CERTIFICATION OF RESULTS OF ELECTION

Pursuant to an election authorized by the Acting Secretary of the Interior on March 8, 1965, the attached Amendment I to the Constitution and Bylaws of the Kaibab Band of Paiute Indians of the Kaibab Reservation, Arizona, was submitted to the qualified voters of the Kaibab Band and was on May 1, 1965, duly adopted by a vote of 36 for, and 1 against, in an election in which at least 30 percent of the 59 members entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

CLYDE W. PENSONEAU
Chairman, Election Board

GEORGIE GEORGE
Election Board Member

DAN BULLETT
Election Board Member

***

APPROVAL

I, Stewart L. Udall, Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Amendment I to the Constitution and Bylaws of the Kaibab Band of Paiute Indians of the Kaibab Reservation, Arizona.

Approval recommended:

JAMES E. OFFICER
Associate Commissioner
Bureau of Indian Affairs

STEWART L. UDALL
Secretary of the Interior

[SEAL]

Washington, D. C.

Date: May 29, 1965.

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CONSTITUTION AND BY-LAWS OF THE PAPAGO TRIBE OF ARIZONA

PREAMBLE

We, the members of the Papago Tribe of Sells, Gila Bend, and San Xavier Reservations, in the State of Arizona, in order to build upon our established laws and customs and form a tribal organization; to establish justice; to insure tranquility and liberty; to conserve our tribal property; to develop our common resources; and to promote the best welfare of the present generation and our children in education and industry, do ordain and establish this Constitution and By-laws.

ARTICLE I — TERRITORY

The jurisdiction of the Papago Council of Sells, Gila Bend, and San Xavier Reservation shall extend to the territories within their original boundaries as established by Executive Orders as follows: Gila Bend, December 12, 1882, modified June 17, 1909; San Xavier, July 1, 1874; and Sells Papago Reservation by Executive Order of February 1, 1917, and the Act of February 21, 1931, and to such other lands as may be added hereafter, either by purchase from tribal funds, or under any law of the United States.

ARTICLE II — MEMBERSHIP

SECTION 1. The membership of the Papago Tribe shall consist of the following:

(a) All Indians whose names appear on the official census roll of the Papago Tribe as of January 1, 1936, and all children of resident members, provided that within two years from the adoption and approval of this Constitution and By-laws, additions and changes may be made by the Papago Council, subject to the approval of the Secretary of the Interior.

(b) The Council shall have power to adopt all children born outside of the reservations, who are the offspring of members, and are one-half or more Indian blood.

ARTICLE III — GOVERNING BODY

SECTION 1. The governing body of the Papago Tribe shall consist of a council known as the Papago Council.

SEC. 2. Two representatives to the Papago Council shall be selected from each of the 11 districts of the reservations, and in such manner as each district shall determine for itself.

SEC. 3. The first meeting of the Papago Council shall be called within thirty days after the adoption and approval of this constitution, and each district shall be given at least fifteen days' notice of such first meeting on order that it may elect its representatives. The Chairman and Secretary of the Constitutional Committee, acting with the Superintendent of the Agency, shall issue the call for the first meeting and supervise its assembly, but the Papago Council itself shall be the sole judge of the certification of its members.

SEC. 4. The Council at its first meeting shall elect from within or without its own membership, a Chairman, a Vice-Chairman, Secretary, and Treasurer and such other officers as may be advisable, to serve for one year each.

SEC. 5. The tenure of each member of the Papago Council shall be two years, or until recalled by the district which selected him and until replaced by another selected by the District Council to fill his place.

ARTICLE IV — DISTRICT ORGANIZATION

SECTION 1. For the purpose of representation and administration there shall be 11 districts, including among them as two such districts, the Gila Bend and San Xavier Reservations. The Council shall have the power to change the territory of said districts.

SEC. 2. Each district shall govern itself in local matters in accordance with its old customs and such changes as may from time to time appear desirable and expedient, except that each district shall elect a District Council of not less than five members, one of whom shall act as headman or chairman.

SEC. 3. Each district shall manage its own local affairs, but any matters involving more than one district shall be decided by the Papago Council.

SEC. 4. If a vacancy occurs in the Council it shall be filled by the District Council from which the vacancy occurred.

ARTICLE V — POWERS OF THE PAPAGO COUNCIL

SECTION 1. The Papago Council, subject to the guarantees contained in Article VI of this Constitution, reserves the right and is hereby confirmed in the right to use its old laws and customs in its religious ceremonials, in its social life, and in its local self-government. This includes the manner of selecting headmen and councils and of deciding matters affecting the welfare of individuals and the communities.

SEC. 2. Powers not subject to review by the Secretary of the Interior;

The Council shall have the power:

(a) To negotiate with the Federal, State, and local governments and corporations on behalf of the tribe.

(b) To employ legal counsel, the choice of counsel and the fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To prevent the sale, disposition, lease, or incumbrance of tribal lands, interests in lands, or other tribal assets without the consent of the tribe, or the grant or relinquishment of any rights to the use of mineral rights or other natural or fiscal assets of the Papago Indians.

(d) To advise with the Secretary of the Interior and Congress as to its desires and wishes on all appropriation estimates and federal projects for the three Papago Reservations and for the benefit of the Papago Tribe, and as to monies spent for such purposes.

(e) To appoint subordinate boards and officers and to prescribe their duties and powers.

(f) To regulate its own procedures.

(g) To require members to contribute labor for public works in their own communities only.

(h) To protect the public health and morals of the Tribe, and to provide for public welfare.

(i) To regulate domestic relations of members of the Tribe.

(j) To require members temporarily living away from the three Papago Reservations to share in the expense of any public works or community improvements in their own districts.

(k) To cooperate with the Commissioner of Indian Affairs and his officials in maintaining the best schools possible for the Papagos.

(l) To cultivate and preserve native arts, crafts, and culture.

(m) To pass ordinances necessary or incidental to the exercise of any of the foregoing powers.

SEC. 3. Powers subject to review by the Secretary of the Interior.

The Council shall have the power:

(a) To have the control of all tribal funds which are not under the control of Congress; to provide for the manner of all loans to individuals or cooperatives; to appropriate money out of available tribal funds for salaries of tribal officials and for other expenses of public business, and to recommend the appropriation of tribal funds and other funds within the control of Congress or of the Secretary of the Interior.

(b) To provide for the maintenance of law and order and the administration of justice by establishing a tribal court or courts and a police force, and defining the powers and duties of such courts and police.

(c) To remove or exclude from any of the three Papago Reservations non-members who occupy reservation land without lawful authority and whose presence may be injurious to the peace, happiness or welfare of the members of the Tribe.

(d) To promulgate ordinances covering the assignment of tribal land and the leasing of tribal land in conformity with departmental regulations for the protection of Indian ranges pursuant to Section 6 of the Act of June 18, 1934.

(e) To regulate and license non-members doing business upon reservation lands, and to issue permits for hunting, fishing and trapping upon such lands.

(f) To make recommendations to the Superintendent, the Commissioner of Indian Affairs, or the Secretary of the Interior, concerning the appointment and removal of employees assigned to duties on the Papago Reservation.

(g) To charter subordinate organizations and to supervise their activities under ordinances regularly passed and approved.

(h) To regulate the economic affairs of the Tribe, tribal lands, and property, provided that this power may be exercised without review by the Secretary of the Interior in cases specifically authorized by this Constitution or by a Corporate Charter which may be issued to the Tribe by the Secretary of the Interior.

(i) To promulgate and enforce ordinances regulating the establishment and maintenance of airports on the Reservations, and to regulate traffic on the highways of the Papago Reservation in the interest of the safety, peace and welfare of the people.

(j) To provide by ordinance for the inheritance of personal property and assignments as nearly as possible in conformity with established customs.

(k) To regulate the use and disposition of the property of members of the Papago Tribe insofar as such use and disposition affects the welfare of the Tribe at large.

SEC. 4. The Papago Council may exercise such further powers as may in the future be delegated to the Tribe by the Secretary of the Interior, or by any other duly authorized official or agency of government.

SEC. 5. Any rights and powers heretofore vested in the Papago Tribe, but not expressly referred to in this Constitution, shall not be abridged by this Article, but may be exercised by the members of the Papago Tribe through the adoption of appropriate by-laws and constitutional amendments.

SEC. 6. Any resolution or ordinance which by the terms of this Constitution is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the Papago Reservations who shall within ten days thereafter approve or disapprove the same.

If the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may, within 90 days from the date of the enactment, rescind the said ordinance or resolution for any cause, by notifying the Papago Council of his veto.

If the Superintendent shall refuse to approve any resolution or ordinance submitted to him, within ten days after its enactment, he shall advise the Papago Council of his reasons therefor. If these reasons appear to the Council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within 90 days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

ARTICLE VI — RIGHTS OF MEMBERS

SECTION 1. All members of the Papago Tribe shall have the freedom of worship, speech, press, and assembly.

SEC. 2. All members of the Papago Tribe shall be given equal opportunity to participate in the economic resources and activities of the Papago Reservations.

ARTICLE VII — APPOINTMENT OF JUDGES AND POLICE

Judges and police of the tribal court or courts may be elected by a vote of the people, each for a term of two years. When any one of them is guilty of any felony or misdemeanor, he may be subject to recall. When so elected, salaries for these officers may be continued to be paid from government appropriations.

ARTICLE VIII — LANDS

SECTION 1. The unallotted lands of the Papago Reservations, and all lands which may be acquired in the future by or for the Papago people, shall be held as tribal lands forever.

SEC. 2. All allotted lands, including heirship lands, within the Papago Reservations, shall continue to be held by their present owners under existing laws, as well as the improvements thereon. It is further recognized that no owner of allotted land shall be compelled to relinquish his land except for public purposes of the Tribe, and in such cases the land owner shall receive just and fair compensation for the land relinquished.

SEC. 3. Tribal lands may be assigned to members of the Papago Tribe in accordance with the following provisions:

(a) The assignment of land for beneficial use and occupancy shall be made by the District Councils under their customary regulations, or in accordance with ordinances passed by the Papago Council and approved by the district.

(b) Every member of the San Xavier District Community who is the head of a family that does not own any land under allotment, or who agrees to surrender to the district all such land, including interests in land in heirship status, shall be entitled to receive an assignment of new land if such is available.

(c) Any member of the Papago Tribe who owns an allotment of land or any share in heirship land or any deeded land, may, with the approval of the Secretary of the Interior, voluntarily transfer his interests in such land to the tribe and receive therefor an assignment to the same land or to land of equal value.

SEC. 4. Tribal lands which are not assigned may be used for communal pastures or gardens by the various districts or for public purposes of any sort. Such lands may also be leased by the District Community and one-half of the proceeds of such leases shall accrue to the Papago Council and one-half to the District Council: Provided, That all leases to non-members and leases to members in excess of a reasonable acreage as determined by the Council shall be subject to the approval of the Secretary of the Interior.

SEC. 5. Inasmuch as the land is held in common by the Papago Tribe, it is provided that the district fences now being constructed by the Government shall not hold any Papago from going into another district to farm, just as he has for many years past. Should it be found in time to come that these fences become a detriment to the livestock industry and progress, parts of them may be removed as may be determined by agreement of the District Councils concerned.

SEC. 6. All individual developments on the reservation lands such as water developments, farms, and homes shall be held as personal property. Personal property and property obtained or built up by an individual shall be subject to his disposal in accordance with the customs of the district in which he lives.

SEC. 7. The right to continued use and occupancy of buildings and grounds for religious and educational purposes, which were in use for said purposes by any church or missionary organization on January 1, 1936, is hereby confirmed: Provided, That said buildings and grounds shall, in the discretion of the Papago Council, revert to the Papago Tribe when no longer used for such religious or educational purposes by the church or missionary organization in possession on January 1, 1936.

ARTICLE IX — AMENDMENTS

Amendments to this Constitution may be proposed by a majority vote of the Papago Council, and may be ratified in the same manner as this Constitution and By-Laws.

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BY-LAWS OF THE PAPAGO TRIBE

ARTICLE I — DUTIES OF OFFICERS

SECTION 1. The Chairman of the Papago Council shall preside at all meetings of the Council, shall perform all duties of a chairman and exercise any authority delegated to him by the Papago Council. He shall vote only in case of a tie.

SEC. 2. The Vice-Chairman of the Papago Council shall assist the Chairman when requested to do so, and in the absence of the Chairman, he shall preside and assume all the duties of the Chairman.

SEC. 3. The Secretary of the Papago Council shall keep the minutes of all regular and special meetings, conduct all tribal correspondence and keep an accurate record of all business transacted. It shall be his duty to submit copies of all minutes of regular and special meetings of the Papago Council to the Superintendent of the Agency and to the Commissioner of Indian Affairs.

SEC. 4. (a) The Treasurer of the Papago Council shall accept, receipt for, keep, and safeguard all funds in the custody of the Papago Council, whether same be tribal funds or special funds for which the Papago Council is acting as trustee or custodian. He shall deposit all such funds as directed by the Papago Council and shall make and preserve a faithful record of such funds and shall report on all receipts and expenditures and the amount and nature of all funds in his possession or custody, to the Council at regular and special meetings and at such other times as requested by the Papago Council, his reports to be in writing and matters of record. He shall not pay or otherwise disburse any funds in the possession or custody of the Council except when properly authorized to do so by resolution duly passed by the Papago Council.

(b) The books and records of the Treasurer shall be audited at least once a year by a competent auditor employed by the Papago Council, and at such other times as the Council or the Commissioner of Indian Affairs may direct.

(c) The Treasurer shall be required to give a surety bond satisfactory to the Papago Council and the Commissioner of Indian Affairs.

(d) The Treasurer shall be present at all regular and special meetings of the Council.

(e) All checks shall be signed by the Treasurer and shall be countersigned by the

Chairman of the Papago Council, and all checks issued shall be approved by the Superintendent of the Papago Reservations until such time as may be determined pursuant to a Corporate Charter to be issued to the Papago Tribe, after which such approval by the Superintendent shall not be required.

ARTICLE II — MEETINGS

SECTION 1. Regular meetings of the Papago Council shall be held at 1:00 o'clock p.m. on the first Saturday of each month at the Sells Agency in a designated hall or building where official records may be kept. Special meetings may be called by a written notice of the Chairman or by a majority of the Papago Council, who shall notify all members at least twenty-four hours before convening the meeting.

SEC. 2. No business shall be transacted by the Papago Council unless a quorum is present. A quorum shall consist of a majority of the members.

ARTICLE III — ADOPTION

This Constitution and By-Laws, when ratified by a majority vote of the qualified voters of the Papago Tribe, voting at a special election called for the purpose by the Secretary of the Interior at which at least thirty percent of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior, and if approved, shall be effective from the time of such approval.

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CERTIFICATION OF ADOPTION

Pursuant to an order, approved November 12, 1936, by the Secretary of the Interior, the attached Constitution and By-laws was submitted for ratification to the adult Indians of the Papago Tribe of Sells, Gila Bend, and San Xavier Reservations, Arizona, and was on December 12, 1936, duly ratified by a vote of 1,340 for, and 580 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

JOSE X. PABLO,
Chairman of Election Board.

JUAN HARVEY,
Secretary of Election Board.

THEODORE B. HALL,
Superintendent.

***

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and By-laws of the Papago Tribe of Sells, Gila Bend, and San Xavier Reservations, Arizona.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution or By-laws are hereby declared inapplicable to those Indians.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and By-laws.

Approval recommended December 24, 1936.

JOHN COLLIER,
Commissioner of Indian Affairs.

HAROLD L. ICKES,
Secretary of the Interior.

[SEAL]

Washington, D.C., January 6, 1937.

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[The Papago Tribe does not have a federal corporate charter.]

CONSTITUTION AND BY-LAWS OF THE SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY, ARIZONA

Approved June 11, 1940

PREAMBLE

We, the Indians of the Salt River Reservation, of the State of Arizona, in order to maintain ourselves under divine guidance; to inculcate a sense of individual obligation to our Community, State and Nation; to seek a better means of future development; to provide for an orderly way of carrying on our business and the free expression of the tribal will; and to promote in general the rights and welfare of our people under the privileges and powers offered to us by the Reorganization Act, do ordain and establish this Constitution and By-laws for the Pima and Maricopa tribes, henceforth to be known as the Salt River Pima-Maricopa Indian Community.

ARTICLE I — TERRITORY

The jurisdiction of the Salt River Pima-Maricopa Indian Community shall extend to all lands within the boundaries of the Salt River Indian Reservation established pursuant to Act of February 28, 1859 (11 Stat. 401) and Executive Orders, and to such other lands as may in the future be added thereto.

ARTICLE II — MEMBERSHIP

SECTION 1. The membership of the Salt River Pima-Maricopa Indian Community shall be determined as follows:

(a) All persons of Indian blood whose names appear, or rightfully should appear, on the official allotment roll of the Salt River Reservation shall be members of the Community.

(b) All descendants of members shall be entitled to membership in the Community if they are of at least one-quarter degree of Indian blood, but any such descendant having less than this degree of Indian blood may be admitted to membership by a majority vote of the Community Council.

(c) A member who remains away from the reservation continuously for a period of twenty (20) years shall automatically forfeit his membership. But if he returns to the reservation he may be reinstated as a member by a majority vote of the Community Council, with the consent of the district in which he or she proposes to take up his or her residence.

(d) Persons of Indian blood marrying members of the Salt River Pima-Maricopa Indian Community may be adopted into the Community by a three-fourths vote of the Community Council.

(e) No persons other than those enumerated in this article may be adopted as members of the Community.

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ARTICLE III — GOVERNING BODY

SECTION 1. The governing body of the Salt River Pima-Maricopa Indian Community shall be known as the Salt River Pima-Maricopa Community Council, and shall be elected by the qualified voters of the Community.

SEC. 2. Basis of Representation.—For the purpose of representation and administration of the Council, five representatives shall be selected from the Salt River district and two representatives shall be selected from the Lehi district. The Council shall have power to redistrict the reservation and to apportion representation, subject to a referendum vote of the people, whenever such action is deemed advisable by the Council.

SEC. 3. First Election.—The first election of the members of the Council shall be called by the Secretary of the Interior within sixty days after the adoption and ratification of this Constitution.

SEC. 4. Rotation of Office.—The Council members then elected shall agree among themselves or draw lots so as to provide that three (3) members of the Council shall serve for two years and four (4) members for three years.

SEC. 5. Tenure of Office.—Thereafter members of the Council shall serve for three years, three members to be elected at the end of the second year and four members the following year.

SEC. 6. Election of Officers.—The Council shall at its first meeting elect from within its own membership a President and Vice-President, and from within or outside of its own membership, a Secretary and Treasurer, and such other officials or boards as may be deemed necessary, to serve for one year each. Persons so elected to office shall not have a vote in the Council unless they have been regularly elected to membership therein, but the presiding officer shall in any event have the right to vote in case of a tie.

ARTICLE IV — DISTRICT ORGANIZATION

SECTION 1. District Boundaries.—For the purpose of representation and administration of the Salt River Reservation, the reservation for the present shall be divided into two districts, as follows:

District No. 1, known as the Salt River district, shall consist for the present of all that portion of the reservation lying north of the Salt River and south of the Arizona Canal and west of a due north and south line, extending from the west boundary line of Section 35 of the Lehi district.

District No. 2, known as the Lehi district, shall consist of all that portion of the reservation lying south of the Salt River, in Sections 35 and 36 and parts of 25 and 26.

SEC. 2. District Council Elections.—Each district shall elect a District Council in conformity with ordinances passed by the Council of the Community regulating such elections.

SEC. 3. Jurisdiction of District Councils.—Such District Councils shall have no power to pass ordinances but shall make appropriate recommendations to the Council or the Community and shall perform such local administrative duties as may be assigned to them by the Council.

ARTICLE V — POWERS OF THE COMMUNITY COUNCIL

SECTION 1. Powers not Subject to Review.—The Council of the Salt River Pima-Maricopa Indian Community shall exercise the following powers, subject to any limitations imposed by the statutes or by the Constitution of the United States and subject further to all express restrictions upon such powers contained in this Constitution:

(a) To prevent the sale, disposition, lease or encumbrance of tribal lands, interests in lands or other tribal assets without the consent of the tribe.

(b) To negotiate with the Federal, State, and local governments on behalf of the Salt River Pima-Maricopa Indian Community.

(c) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(d) To advise the Secretary of the Interior and Congress of its wishes with regard to Federal projects or appropriations for the benefit of the Salt River Pima-Maricopa Indian Community.

(e) To appoint subordinate boards and officers and to prescribe their duties and powers.

(f) To provide for the manner of conducting elections.

(g) To regulate its own procedure.

(h) To regulate the domestic relations of members of the Community.

(i) To protect the public health and morals and to provide for the public welfare.

(j) To cultivate and preserve native arts, crafts and culture.

(k) To pass ordinances or resolutions incidental to the exercise of any of the foregoing powers.

SEC. 2. Powers Subject to Review.—The Council of the Salt River Pima-Maricopa Indian Community shall likewise exercise the following powers subject to review by the Secretary of the Interior:

(a) To appropriate money out of available Community funds for salaries of the Community officials and for other expenses of public business and to recommend the appropriation of tribal and other funds within the control of Congress or of the Secretary of the Interior.

(b) To provide for the appointment of guardians for minors and mental incompetents.

(c) To prescribe rules of inheritance except for allotted lands.

(d) To levy dues, fees and assessments on members of the Community and on non-members residing within the reservation, and to require members of the Community to contribute labor for public works and enterprises.

(e) To remove or exclude from the territory of the Community non-members whose presence may be injurious to the peace, health or welfare of the Community.

(f) To administer all tribal lands and property.

(g) To regulate the use and disposition of the property of members of the Community, so far as such use and disposition affect the welfare of the Community at large.

(h) To establish and regulate subordinate organizations for business purposes.

(i) To purchase lands of members of the Community for public purposes under condemnation proceedings in courts of competent jurisdiction.

(j) To provide for the maintenance of law and order and the administration of justice by establishing a tribal court and police force and defining the powers and duties of same.

(k) To lay down criminal and civil codes of ordinances governing the conduct of members of the Community and non-member Indians of the Community.

SEC. 3. Manner of Review.—Any resolution or ordinance which, by the terms of this Constitution, is subject to review by the Secretary of the Interior shall be presented to the Superintendent of the Reservation, who shall, within ten days thereafter, approve or disapprove the same.

If the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may, within 90 days from the date of enactment, rescind the said ordinance or resolution for any cause, by notifying the Salt River Pima-Maricopa Community Council of such action.

If the Superintendent shall refuse to approve any resolution or ordinance submitted to him within ten days after its enactment, he shall advise the Salt River Pima-Maricopa Community Council of his reasons therefor. If these reasons appear to the Council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within 90 days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

SEC. 4. Future Powers.—The Salt River Pima-Maricopa Community Council may exercise such powers as may in the future be delegated to the Community by the Secretary of the Interior or by any other duly authorized official or agency of the Government.

SEC. 5. Reserved Powers.—Any rights and powers heretofore vested in tribes or bands of the Salt River Indian Reservation but not expressly referred to in this Constitution shall not be abridged by this article, but may be exercised by the people of the Salt River Pima-Maricopa Indian Community through the adoption of appropriate by-laws and constitutional amendments.

ARTICLE VI — ELECTIONS

SECTION 1. Right of Suffrage.—All adult members of the Community, male or female, who have attained the age of 21 years and have resided on the Salt River Reservation for a period of one year and in the district for a period of sixty days immediately preceding the election, shall have the right to vote in any election held under this Constitution.

SEC. 2. Manner of Making Nominations.—The manner of making nominations and holding elections shall be determined by appropriate ordinances or by-laws.

SEC. 3. Vacancies.—When a councilman is removed for cause, or resigns or otherwise ceases to hold office, the District which he or she represents shall elect a successor at a special election called by the Council, to be held within thirty days after the occurrence of the vacancy. The successor shall hold office until the expiration of the regular term of his or her predecessor whose place he or she has taken.

ARTICLE VII — SUSPENSION FROM OFFICE

SECTION 1. Suspension from Office.—Any public official of the Salt River Pima-Maricopa Indian Community who is indicted in a Federal or State court or convicted in an Indian court of bribery or any other serious offense, shall automatically be suspended from office. The remaining members of the Council shall investigate and judge whether the crime is serious enough to justify impeachment proceedings or whether the suspended official shall be reinstated.

SEC. 2. Impeachment.—Any public official of the Salt River Pima-Maricopa Indian Community who is proven guilty of improper conduct or gross neglect of duty may be expelled by the Council by a two-thirds vote of the membership of the Council voting in favor of such expulsion, provided that the accused member shall be given full and fair opportunity to reply to any and all charges at a designated Council meeting. It is further stipulated that any such member shall be given a written statement of the charges against him or her at least five days before the meeting at which he or she is to appear. When the Council is sitting for impeachment purposes, all parties shall be under oath or affirmation.

SEC. 3. Recall.—(a) Every person elected to a Community office by the Indians of the Salt River Indian Reservation is subject to recall from office by the qualified electors of the electoral district from which candidates are elected to such office. Such number of said electors as shall equal forty per centum of the number of votes cast at the last preceding general election may, by petition, which shall be known as a "Recall Petition", demand his or her recall.

(b) Every recall petition must contain a general statement, in not more than two hundred words, of the grounds of such demand and must be filed at the office of the Council. Each signer of such Recall Petition must add to his or her signature the date of his or her signing the said petition and his or her place of residence.

(c) If said officer offers his or her resignation it shall be accepted. If he or she does not resign within ten days after a recall petition is filed, a special election shall be ordered or held, not less than twenty or more than thirty days after such order, to determine whether such officer be recalled. On the ballots at said election shall be printed the reasons as set forth in the petition and, in not more than the same number of words, the officer's justification of his or her course in office. He or she shall continue to hold office until the result of the said election shall be officially declared.

(d) No recall petition shall be circulated against any official until he or she shall have held his or her office for a period of one year. After one recall petition and special election no further recall petitions shall be filed against the same officer within one year from said recall special election.

SEC.4 Removal of Appointed Officials.—Any officer or board appointed by the Council may be removed or discharged by a majority vote, unless otherwise provided in the by-laws.

ARTICLE VIII — REFERENDUM

At least fifteen percent of the qualified voters of the Community on petition shall have the right to demand a referendum on any enacted or proposed ordinance or resolution of the Community Council, the vote of the majority of the qualified voters in such referendum to be conclusive and binding on the Council of the Community.

ARTICLE IX — LANDS

SECTION 1. Unallotted Lands.—The unallotted lands of the Salt River Reservation and all lands which may be hereafter acquired by or for the Salt River Pima-Maricopa Indian Community, shall be held as Community lands forever.

SEC. 2. Assignments.—Community lands may be assigned to members of the Community in conformity with the following provisions:

(a) Assignments of land shall be held for life, but may revert to the Community if the person holding the assignment fails to make proper use of the land.

(b) At the death of an assignee his or her requests shall be given due consideration in the reassignment of the land.

(c) Every member of the Community who is the head of a family that does not hold any land under the Allotment Act, or agrees to surrender all such lands (including interests in land in heirship status) to the Community, shall be entitled to receive an assignment of new land.

(d) The amount of land included in each assignment shall be based upon the amount of land available and the number of applications for land. It shall further be based upon the number of people in the family making application and how much land they can actually cultivate.

(e) Where an individual now owns allotted land comprising a larger acreage than he would be entitled to receive under the preceding paragraph, he may convey his title to the Community in exchange for an assignment of the same land or land of equal value.

(f) Assignments may be made either of specific tracts of land or of shares in larger tracts, to be used for grazing or other purposes by several families in common.

SEC. 3. Unassigned Community Lands.—Community land which is not assigned may be used for communal pasture or gardens by the various districts or for public purposes of any sort. Such lands may also be leased by the Community Council to members of the Community or non-members according to law and all proceeds of such leases shall accrue to the Community treasury, to be used for the support of the helpless or for any other public purposes of the Community.

SEC. 4. Private Ownership.—No owner of allotted lands shall be compelled to relinquish his land except for irrigation canals, roads, public works or like public purposes, and in such cases the landowner shall receive in return for his land fair and just compensation.

SEC. 5. Specific Procedure.—The Community Council shall prepare and shall submit to the Secretary of the Interior for approval a set of ordinances covering the conditions under which assignments shall be made, the amounts of land to be assigned, the form of agreement to be signed by the assignee and the manner of proceeding in the acceptance of relinquishments, and the awarding of assignments.

ARTICLE X — AMENDMENTS

This Constitution and By-laws may be amended by a majority vote of the qualified voters of the Salt River Pima-Maricopa Indian Community voting in an election called for the purpose by the Secretary of the Interior, provided that at least thirty percent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment at the request of the Council or upon receipt of a petition signed by 200 eligible voters, members of the Community.

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BY-LAWS OF THE SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY

ARTICLE I — DUTIES OF OFFICERS

SECTION 1. President.—The President of the Salt River Pima-Maricopa Indian Community shall preside at all meetings of the Council, shall perform all duties of a president and exercise any authority delegated to him by the Council. He shall be permitted to participate in debate and shall be entitled to vote only in case of a tie.

SEC. 2. Vice-President.—The Vice-President shall perform the duties of the president in the absence or incapacity of the president.

SEC. 3. Secretary.—The Secretary shall be the recording and corresponding secretary and shall keep an accurate record of all business transacted at Council meetings and submit copies of minutes of each meeting to the Superintendent of the jurisdiction and also to the Commissioner of Indian Affairs.

SEC. 4. Treasurer.—The Treasurer shall have the custody of all money that may come under the jurisdiction of the Salt River Pima-Maricopa Community Council and shall keep an accurate record as to receipt and distribution thereof. He shall pay out money in accordance with orders and resolutions of the Council. The books of the Council Treasurer shall be subject to audit or inspection at the direction of the Council or the Commissioner of Indian Affairs. He shall be required to give surety bond satisfactory to the Council and the Commissioner of Indian Affairs and payment for such bond shall be made out of available funds of the Community. Until the Treasurer is bonded the Council may make such provisions for the custody and disbursement of funds as shall guarantee their safety and proper disbursement and use.

ARTICLE II — QUALIFICATIONS OF OFFICE

SECTION 1. General Qualifications.—No persons shall be elected to the Council of the Community unless he shall be a member of the Community over the age of 25 years and shall have been a resident of the particular district from which he or she is elected for at least one year immediately preceding the election. No member of the Council who is affiliated with any organization or individual not a member of the Community shall vote upon any matter in which such individual or organization has a pecuniary interest, if in the judgment of the Council such affiliation shall render him incapable of openly, freely and fearlessly working for the best interest and welfare of the Indians of the Salt River Pima-Maricopa Indian Community.

ARTICLE III — ELECTIONS

SECTION 1. Election Procedure.—In case an election is due in any district it shall be the duty of the Community Council to call the attention of the residents of the said district to such fact at least thirty days prior to the date of such election, naming the date on which said election is to be held, also naming the place of said election, which place shall be within the district and at some central location most convenient to the residents of the district. Ten days after notification the district shall call a meeting for nomination of candidates. On the date and at the place named the legal voters of the district shall assemble and the outgoing member representing said district, if present, shall act as temporary chairman. At once a permanent chairman shall be chosen and three tellers who shall be officers and judges of election. The assembled legal voters of the district shall then proceed to transact the business for which they have been assembled. Nomination shall be the thing in order. This having been completed and the nominations having been declared closed, the meeting shall be dismissed. The election shall take place not less than twentydays later, the wishes of the voters being ascertained by means of a secret ballot. The polls shall close at 6:00 p. m. The nominee receiving the majority of all votes cast shall be declared elected. The newly elected member shall be furnished with a certificate of election, to be signed by the permanent chairman and the three tellers.

SEC. 2. Validity of Election.—The Community Council shall be the judge of the validity and authenticity of the Certificates of Election presented to it.

ARTICLE IV — MEETINGS

SECTION 1. Regular Council Meetings.—The regular meetings of the Community Council shall be held at 2:00 p.m. on the first and third Fridays of each month in the district designated by the Council at the previous meeting.

SEC. 2. Special Council Meetings.—Special meetings of the Council may be held at the call of the president or on application of three members, due notice being given to all members at least two days before such meeting.

SEC. 3. Quorum.—A majority of the members of the Council, one of whom shall be the president or the vice-president or the secretary, shall constitute a quorum for the transaction of business.

ARTICLE V — BULLETIN BOARDS

The Salt River Pima-Maricopa Community Council shall establish and maintain a bulletin board in each district within its jurisdiction, for the purpose of bringing to the attention of the people in the districts announcements and matters of public interest. Such bulletin board may be placed under the supervision of the local district council.

ARTICLE VI — ADOPTION OF CONSTITUTION AND BY-LAWS

This Constitution and the attached By-laws, when adopted by a majority vote of the qualified voters of the Pima-Maricopa tribes of the Salt River Reservation voting at a special election called by the Secretary of the Interior in which at least 30 percent of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval and shall be in force from the date of such approval.

***

CERTIFICATION OF ADOPTION

Pursuant to an order, approved April 12, 1940, by the Assistant Secretary of the Interior, the attached Constitution and By-laws was submitted for ratification to the members of the Pima-Maricopa Tribes of the Salt River Reservation and was on May 15, 1940, duly ratified by a vote of 171 for, and 127 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

VAVAGES BUCK,
Chairman, Tribal Committee.

BURGESS BURKE,
Secretary, Tribal Committee.

May 17, 1940.

W. C. STRAKA,
Acting Superintendent, Pima Agency.

***

I, Oscar L. Chapman, the Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and By-laws of the Salt River Pima-Maricopa Indian Community.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution and By-laws, are hereby declared inapplicable to the Salt River Pima-Maricopa Indian Community.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and By-laws.

Approval recommended:

JOHN COLLIER,

Commissioner of Indian Affairs.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[SEAL]

Washington, D.C.,
June 11, 1940.

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[The Salt River Pima-Maricopa Indian Community does not have a federal corporate charter.]

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CONSTITUTION OF THE ALL INDIAN PUEBLO COUNCIL
OF NEW MEXICO

Adopted October 16, 1965

[Only three of the Rio Grande Pueblos have adopted Constitutions and By-laws: the Pueblos of Isleta, Laguna, and Santa Clara (which are included in this volume). The remaining Pueblos utilize their old unwritten traditional form of government to conduct both their internal and external affairs. Charters were never adopted by the Pueblos.]

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PREAMBLE

We, the Pueblo Indians of New Mexico, members of the existing All Indian Pueblo Council, by virtue of our sovereign rights as Pueblo Indians and in accordance with our ancient customs and laws, in order to promote justice and encourage the common welfare, to foster the social and economic advancement of all the Pueblo Indians, to preserve and protect our common interests, our inherent rights of self-government, and our rights as guaranteed to us by treaties, law, and the Federal Constitution of the United States of America, do ordain and adopt this Constitution and By-Laws for The All Indian Pueblo Council for the common benefit of all Pueblo Indians.

ARTICLE I — NAME

This organization shall be recognized by the name of "The All Indian Pueblo Council."

ARTICLE II — MEMBERSHIP

SECTION 1. Conditions of Membership. (a) The governing body of any duly organized Indian Pueblo within New Mexico may become a member of The All Indian Pueblo Council.

(b) To receive recognition, any member-pueblo must satisfy an annual membership fee as prescribed by The All Indian Pueblo Council.

SEC. 2. Qualifications. (a) Each delegate must be a recognized member of the Indian Pueblo he represents, and must be duly authorized by the governing body of that Pueblo to appear and represent it.

ARTICLE III — ORGANIZATION OF THE COUNCIL

SECTION 1. Officers. (a) The executive power of The All Indian Pueblo Council shall be vested in the following officers:

A. Chairman
B. Vice-Chairman
C. Secretary
D. Treasurer

(b) No person shall be qualified to hold office in The All Indian Pueblo Council who is an employee of the Federal or State governments.

SEC. 2. Election of Officers. On the last Saturday in January of every odd year, an election shall be held within The All Indian Pueblo Council, at which the officers listed under Section I shall be elected by majority vote, through a secret ballot system, to serve for two (2) years from the date of the election.

SEC. 3. Who May Vote. Every member Pueblo of The All Indian Pueblo Council, through its duly authorized delegate, may cast one (1) vote.

SEC. 4. Candidates. (a) Nominations for the offices of The All Indian Pueblo Council shall be made by the recognized delegates of the member-Pueblos and nominations for the office of chairman shall close at the adjournment of the last regular meeting of every even-numbered year. Nominations for the remaining offices may be made from the floor by the member delegates the day of election.

(b) Each nominee must be a recognized member of one of the member-Pueblos, not less than 30 years of age, and must either be present at the time of his nomination or his written consent to serve, if elected, must be filed by the delegate who nominates him.

ARTICLE IV — THE ALL INDIAN PUEBLO COUNCIL AND ITS POWERS

SECTION 1. The legislative power shall be vested in The All Indian Pueblo Council and its powers shall be exercised in accordance with and not in conflict with, this Constitution. The All Indian Pueblo Council shall have the following rights and powers:

(a) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of The All Indian Pueblo Council by majority vote of the member-Pueblos.

(b) To negotiate with all governments, persons, firms or corporations on matters brought before The All Indian Pueblo Council.

(c) To have the power to contract for and accept loans or grants for The All Indian Pueblo Council.

(d) To arrange for the maintenance of law and order at The All Indian Pueblo Council functions.

(e) To promote or conduct educational, health, publicity or other campaigns introduced by the member-Pueblos.

(f) To promote and foster programs and projects for the protection, benefit, advancement and general welfare of any or all member-Pueblos.

(g) To raise revenue for the business of The All Indian Pueblo Council and to regulate the expenditure thereof.

(h) To formulate and adopt by-laws for the proper functioning of The All Indian Pueblo Council.

(i) To formulate the powers and duties of the executive officers.

(j) To do whatever else may be necessary or desirable to promote the general welfare of any or all member-Pueblos.

SEC. 2. In carrying out these powers, The All Indian Pueblo Council and officers will not interfere with the self-government of any member-Pueblo.

ARTICLE V — VACANCIES AND IMPEACHMENTS

SECTION 1. Vacancies. Should any vacancy occur in any of the elective offices of The All Indian Pueblo Council through death, resignation or disqualification through employment with the Federal or State governments, or for any other reason, the Council shall by majority vote have the right to name a successor for the said office for the unexpired term in accordance with the provisions of Article III, provided that in the event the office of the Chairman becomes vacant for any reason, then and in that event, the Vice-Chairman shall thereupon become the Chairman with all duties and powers of the said office.

SEC. 2. Impeachment. The All Indian Pueblo Council may, by a two-thirds vote of the members, remove any of its officers for neglect of duty, or gross misconduct; provided that the accused shall be given an opportunity to answer any and all charges at The All Indian Pueblo Council meeting called for the purpose. The decision of The All Indian Pueblo Council shall be final.

ARTICLE VI — COMMITTEES

The Chairman, after consultation with the other officers and the consent of the member delegate of the Pueblo from which the committee member comes, shall appoint committees from the authorized membership of the member-Pueblos. Committees shall consist of at least three (3) members, but not more than six (6). The elected officers of The All Indian Pueblo Council shall be the ex-officio members of all committees.

ARTICLE VII — AMENDMENTS

SECTION 1. Amendments to Constitution. This Constitution may be amended by a two-thirds affirmative vote of the member delegates at a special meeting of The All Indian Pueblo Council called for that purpose, the said special meeting to be called by the Chairman upon the written request of six (6) member-Pueblos. The written request shall include the proposed amendment and shall set forth the reasons and need therefor, and must be transmitted to each member delegate at least 30 days before the special meeting.

SEC. 2. Amendments to By-Laws. By-Laws to this Constitution may be adopted or amended at any meeting of The All Indian Pueblo Council upon a two-thirds affirmative vote of the member delegates.

ARTICLE VIII — RATIFICATION

This Constitution of The All Indian Pueblo Council shall become effective upon the ratification and approval by two-thirds of the member-Pueblos.

***

ADOPTED: This Sixteenth day of October, in the year of our Lord, One Thousand, Nine Hundred and Sixty-five.

SAM VICTORINO
Acoma Pueblo

ANDY ABEITA
Isleta Pueblo

JOE MARIANO
Laguna Pueblo

TOM ROMERO
Pojoaque Pueblo

ESQUIPULA CHAVES
Sandia Pueblo

GILBERT ATENCIO
San Ildefonso Pueblo

MIGUEL ARMIJO
Santa Ana Pueblo

FERNANDO CORDERO
Cochiti Pueblo

ABEL SANDO
Jemez Pueblo

AMADEO TRUJILLO
Nambe Pueblo

PAT MARTINEZ
Picuris Pueblo

JOHN RAY
San Felipe Pueblo

PERCY TAPIA
San Juan Pueblo

PAUL TAFOYA
Santa Clara Pueblo

RALPH P. LOVATO
Santo Domingo Pueblo

JOE G. VIGIL
Tesuque Pueblo

TEOFILO ROMERO
Taos Pueblo

LUCIANO PINO
Zia Pueblo

ROBERT E. LEWIS
Zuni Pueblo

Certified and adopted this 16th day of October, 1965, by the officers of The All Indian Pueblo Council:

BENNY ATENCIO
Treasurer

JOE H. HERRERA
Secretary

DOMINGO MONTOYA
Chairman

PAUL J. BERNAL
Vice Chairman

***

CONSTITUTION OF ISLETA PUEBLO, NEW MEXICO

Approved March 27, 1947

PREAMBLE

We, the people of the Pueblo of Isleta, in order to establish a responsible and representative government, to promote the general welfare, to secure the blessings of liberty to ourselves and our posterity, to provide for our economic and social betterment through cooperative effort, industry and enterprise, to promote security and to provide for law and order, do establish this constitution for the Pueblo of Isleta.

ARTICLE I — JURISDICTION

This constitution shall apply within the exterior boundaries of the Isleta Pueblo Grant and within the exterior boundaries of such other lands as are now or may in the future be added by purchase, grant, lease, or otherwise acquired for use by the Pueblo of Isleta. No such lands shall ever be alienated from the Pueblo by action of any member of the Pueblo.

ARTICLE II — MEMBERSHIP

Persons of one-half or more degree of Isleta Indian blood and Isleta parentage shall be members of the Pueblo of Isleta, provided they have not renounced their right to membership. Other persons of Indian blood may become naturalized members of the Pueblo of Isleta.

All male members who are heads of families and male members who have attained the age of 21 and have established a separate household shall be eligible to vote in the general Pueblo elections provided that such members have established their eligibility by registration with the proper Pueblo official.

ARTICLE III — EXECUTIVE BRANCH

SECTION 1. The Executive Branch of the Pueblo of Isleta shall consist of the Governor, First and Second Lieutenant Governors, Sheriff and Under-Sheriff, Secretary and Treasurer. These officers shall be chosen only from among the membership of the Pueblo of Isleta.

SEC. 2. These officers shall serve for a period of one year.

SEC. 3. The duties of the Governor shall be:

(a) To direct and be responsible for the administration of Pueblo affairs.

(b) To act officially for the Pueblo in its relation with other Pueblos, the States, other governmental agencies, individuals, and such other groups as may require the official action of the Pueblo.

(c) To co-sign with the Treasurer all checks drawn against the Pueblo of Isleta bank account.

(d) To be responsible for the maintenance of law and order within the Pueblo, and to require and direct such assistance in this regard as may be necessary.

(e) To attend all Council meetings.

SEC. 4. The duties of the First Lieutenant Governor shall be:

(a) To assist the Governor, as directed by him, in the performance of any or all of the Governor's duties.

(b) To maintain law and order at all times, under the direction of the Governor, if possible, but on his own initiative when necessary.

(c) To assume the governorship, and the duties thereof, in the case of death, resignation, or absence of the Governor.

(d) To attend all Council meetings.

SEC. 5. The duties of the Second Lieutenant Governor shall be:

(a) To assist the Governor, as directed by him, in the performance of any or all of the Governor's duties.

(b) To maintain law and order at all times, under the direction of the Governor, if possible, but on his own initiative when necessary.

(c) To assume the governorship, and the duties thereof, in the case of the death, resignation, or absence of the Governor and First Lieutenant Governor.

(d) To attend all Council meetings.

SEC. 6. The duties of the Sheriff and Under-Sheriff shall be:

(a) To maintain law and order at all times, under the direction of the Governor, when possible, but on their own initiative when necessary.

(b) To attend Council meetings when requested.

SEC. 7. The duties of the Secretary shall be:

(a) To keep all records and files of the Pueblo and attend to such official correspondence as may be authorized.

(b) To register qualified voters and be responsible for the registration records.

(c) To attend all Council meetings, and act as interpreter upon request.

SEC. 8. The duties of the Treasurer shall be:

(a) To keep all financial records and to be accountable for them.

(b) To issue and sign checks authorized to be drawn against the Pueblo of Isleta bank account and to submit these for all other necessary signatures.

(c) To serve under bond.

(d) To give financial statements to the Council semi-annually; to make such information available to the people if requested; to open financial records for inspection by the people if requested.

SEC. 9. It shall be the duty of every officer, as of every member of the Pueblo, to take all necessary emergency measures to prevent loss of life or of property.

SEC. 10. The candidates for Governor shall be nominated as follows:

(a) The outgoing Governor shall be a candidate for reelection.

(b) Each voter, registering with the Secretary and three clerks appointed by the Council, between the December 1 and December 10 before an election, shall declare his preference for Governor. Those three members of the Pueblo receiving the most of such preferences by registrants shall be additional candidates for Governor, and their names shall be immediately announced to the people.

SEC. 11. The registered voters shall cast their secret ballots in a properly secured voting box in the custody of the Secretary between the hours of 8 A.M. and 6 P.M. on December 30.

The Secretary shall have a representative of each candidate with him when opening the ballot box at 6 P.M. on December 30; after counting the ballots under their inspection he shall immediately announce the candidate receiving the most votes, as the new Governor. He shall also announce the candidates receiving the second and third most votes, as President and Vice-President of the Council.

The new Governor shall select all other officers except the Treasurer in the executive branch, as required under the Constitution, between December 31 and January 6.

SEC. 12. The officers shall be inaugurated as follows:

(a) The new Governor shall be met on January 6 by the outgoing Council, the ranking officer of which shall instruct him and inaugurate him into his duties.

(b) The other officers of the executive branch shall be sworn into office as the Council may provide.

ARTICLE IV — LEGISLATIVE BRANCH

SECTION 1. The Legislative Branch of Isleta Pueblo shall consist of a Council of twelve, all of whom shall be chosen from among the eligible voters.

SEC. 2. The term of office of members of the Council shall be for a period of one year, but the Council shall stay in office until inauguration of their successors by the new Governor. In case of the death or resignation of any member of the Council, his successor shall be chosen by the officer who had selected him for office.

SEC. 3. The twelve Council members shall be selected as follows:

(a) Those candidates for Governor who receive the second and third greatest number of votes, shall be the President and Vice-President of the Council, respectively.

(b) On the January 1 after an election, the new Governor, and the new President and new Vice-President of the Council shall meet to determine the other ten members of the new Council. The Governor shall select four members, and the President and the Vice-President shall each select three members.

(c) The Council shall, at its first meeting after election, choose one of its members as Council Secretary. The Council shall determine what are the special duties of its President, Vice-President, and Secretary. The Council shall also choose some qualified member of the Pueblo as Treasurer of the Pueblo, to serve in the executive branch.

SEC. 4. Council meetings shall be called by the Governor or by the President of the Council upon their own initiative, or by the President upon request of any three Council members. It is the duty of each individual Council member to be present at all Council meetings. A quorum of eight is necessary in order to transact official Council business, with a majority vote required.

SEC. 5. The duties of the Council shall be to pass ordinances for the Pueblo, and to determine generally the usage of Pueblo property. It shall be the further duty of the Council to appropriate such money, authorize employment and payment of such assistants or advisers and set up such rules and procedures as may be necessary for the proper administration of this Constitution and of all ordinances in effect.

SEC. 6. The Council shall enact no ordinances discriminating against individuals specifically named. The Council shall enact no ordinances abridging any of the following rights of the members of the Pueblo: freedom of religion, speech, and the press; freedom of the people to assemble and to request general or specific action from the Council or the officers; freedom from unreasonable searches and seizures; freedom from deprivation of liberty or property without due process of law; freedom, in all criminal prosecutions, to enjoy speedy, impartial and public trial with assistance of pertinent witnesses and defense counsel; freedom from excessive bail or fines and from cruel punishments. The enumeration in this constitution of certain rights shall not be construed to deny or disparage other rights retained by the people.

ARTICLE V — JUDICIAL BRANCH

SECTION I. The judiciary shall be composed of a Chairman and two other members appointed and sworn into office by the Governor and approved by the majority vote of the Council. Their term of office shall be one year but they shall serve until their successors have been chosen.

SEC. 2. The duties of the judiciary shall be:

(a) To pass on the constitutionality of ordinances when requested by any member of the Pueblo.

(b) To pass on the legality of the action of officers enforcing the ordinances.

(c) To handle all criminal and civil cases brought before it.

(d) To establish judicial methods and procedures within the framework of this Constitution and appropriate ordinances.

SEC. 3. The Council may, at its discretion, accept any appeals from action of the judiciary, and try these in its capacity as a superior court.

ARTICLE VI — SPECIAL ELECTION

Within 30 days after ratification of this Constitution, and its approval by the Secretary of the Interior, the Governor of the Pueblo and the President and Vice-President of the Council shall be elected by the registered voters of the Pueblo at a special election held, so far as possible, in accordance with the procedure specified in Section 10 of Article III. The election shall be supervised by the Superintendent of the United Pueblos Agency. Within seven days after such election, the Governor shall assume office, and the other executive and legislative officers shall be selected in accordance with the procedure specified in Article IV and V of this Constitution. The officers so elected or chosen shall remain in office until the selection and qualification of their successors in the next regular election.

ARTICLE VII — RATIFICATION

This Constitution, when adopted by a majority of the votes cast at a special election called by the Secretary of the Interior in which at least 30 percent of the members of the Pueblo 21 years of age or over shall vote, shall be submitted to the Secretary of the Interior, or his authorized representative, for approval and shall be effective from the date of such approval. The Constitution of the Pueblo may thereafter be amended or revoked in the manner provided by Article VIII thereof.

ARTICLE VIII — AMENDMENTS

This Constitution may be amended by a majority vote of the members of the Pueblo 21 years of age or over, voting for that purpose in an election called by the Secretary of the Interior, or his authorized representative, provided that at least thirty percent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior, or his authorized representative. It shall be the duty of the Secretary of the Interior, or his authorized representative, to call an election on any proposed amendment at the request of a majority of the Council or upon receipt of a petition signed by at least one-third of the registered voters.

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CERTIFICATION OF ADOPTION

Pursuant to an order approved March 7, 1947, by the Under Secretary of the Interior, the attached Constitution was submitted for ratification to the Indians of the Isleta Pueblo of New Mexico and was on March 23, 1947, duly adopted by a vote of 132 for, and 61 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

REMIJO JOJOLA,
Chairman, Election Board.

JUAN CARPIO,
Secretary, Election Board.

ERIC T. HAGBERG,
Acting Superintendent,
United Pueblos Agency.

***

APPROVAL

I, C. Girard Davidson, the Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution of the Pueblo of Isleta.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution are hereby declared inapplicable to the Pueblo of Isleta.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution.

Approval recommended:

WILLIAM ZIMMERMAN, JR.,
Acting Commissioner of Indian Affairs.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

[SEAL]

WASHINGTON, D.C.,
March 27, 1947.

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AMENDED CONSTITUTION AND BY-LAWS OF THE PUEBLO OF LAGUNA IN NEW MEXICO

Approved November 10, 1958

PREAMBLE

In 1863, Abraham Lincoln, President of the United States of America, recognized and confirmed the right of the Pueblo of Laguna to govern itself, and solemnly pledged the full faith of the United States of America that the customs and land rights of said Pueblo, and the liberties and religions of its members, should forever be protected by the United States of America and forever remain inviolate. As evidence of said recognition, confirmation, and solemn pledge, our beloved President Abraham Lincoln, gave the then Governor of the Pueblo a cane, which has in thecourse of years become the staff and symbol of the office of Governor of said Pueblo.

Now, therefore, we the people of the Pueblo of Laguna, New Mexico, in order to establish justice, to preserve and protect our Pueblo self-government and our rights, liberties, benefits, and customs, and to protect our common welfare, do ordain and establish this Constitution of the Pueblo of Laguna.

ARTICLE I — JURISDICTION

This Constitution shall apply within the exterior boundaries of the Pueblo of Laguna Grant, and of such other lands as are now or may in the future be under the jurisdiction of, or used under proper authority by, the Pueblo of Laguna. This Constitution shall apply to and be for the benefit and protection of all persons who are now or may become in the future members of the Pueblo of Laguna.

ARTICLE II — MEMBERSHIP

SECTION 1. Qualifications.—The membership of the Pueblo shall consist of the following persons provided they have not renounced or do not hereafter renounce such membership by joining another tribe or otherwise, and provided further, that any person 21 years of age or over, living on the date of the approval of this revised Constitution, shall not be entitled to membership unless enrolled or unless application for enrollment has been filed within one year from the approval of this revised Constitution in the manner to be prescribed by ordinance of the Council, except as herein provided in subsection (e) of this Section.

(a) All persons of any Indian blood whose names appear on the 1940 United Pueblos Agency census roll for the Pueblo of Laguna as enrolled members: provided that any person of one-half or more Laguna blood whose name the Council finds to have been erroneously omitted from said roll shall be added to it upon application by such person within one year from the approval of this revised Constitution, in the manner to be prescribed by ordinance of the Council. Any such addition shall have the effect of recognizing such person's membership from birth. Applications for recognition of membership may also be filed on behalf of a deceased person, if done for the purpose of establishing membership rights under subsections (b), (c), or (d) of this Section.

(b) All persons born since the 1940 census whose mother and father are both members of the Pueblo of Laguna.

(c) All persons of one-half or more Indian blood born after the 1940 census but prior to the approval of this revised Constitution whose mother or father is a member of the Pueblo of Laguna.

(d) All persons of one-half or more Laguna Indian blood born after approval of this revised Constitution:

(1) whose mother is a member of the Pueblo of Laguna; or
(2) whose father is a member of the Pueblo of Laguna, provided the child is born in wedlock.

(e) Provided that the persons referred to in subsections (b), (c), (d) (1), and (d) (2), above, shall not be entitled to membership in the Pueblo unless enrolled or unless application for enrollment has been made by their parent, parents, or other persons for them, or by themselves, prior to their 22nd birthday; provided further, that all such persons shall have at least one year from the date of approval of this revised Constitution in which to enroll themselves or make application for enrollment as members of the Pueblo, in the manner to be prescribed by ordinance of the Council.

(f) All persons naturalized as members of the Pueblo of Laguna, provided that a person who has no Indian blood shall never be naturalized.

SEC. 2. Determination of Qualifications.—The Council shall by ordinance prescribe procedures for the determination or renunciation of membership pursuant to Section 1 of this Article. All determinations made in accordance with such procedures shall be final.

SEC. 3. Observance of Pueblo Constitution and Laws.—All members of the Pueblo of Laguna and all other persons who are permitted to live on the reservation of the Pueblo by the proper officers of the Pueblo shall be governed by this Constitution, the Bylaws and all ordinances, customs, and regulations of the Pueblo as the same now exist or are hereafter altered, and as interpreted by the proper officers of the Pueblo. Non-members of any Indian blood may be permitted to live on the lands of the Pueblo only if they agree in writing to be governed in this way. Non-Indians may be permitted to live upon the lands of the Pueblo only if they receive written authorization from the Council and only on such terms and conditions as the Council may prescribe, but a non-Indian may not, without his consent, be subject to any punishment by the Pueblo other than expulsion for failure to abide by his written promise.

SEC. 4. Every member of the Pueblo of Laguna shall be entitled to an equal share in per capita distribution, provided that no right to a share shall vest in such member unless such member is an enrolled member on the date such per capita distribution is declared by Council ordinance, except as provided in Article VIII, Section 3 of the Bylaws.

ARTICLE III — ORGANIZATION AND ELECTION OF THE PUEBLO COUNCIL AND STAFF OFFICERS

SECTION 1. Council.—The governing power of the Pueblo of Laguna shall be vested in the Pueblo Council. The Council shall be composed of the following persons:

(a) One Governor.
(b) One First Lieutenant Governor.
(c) One Second Lieutenant Governor.
(d) One Head Fiscale.
(e) One First Fiscale.
(f) One Second Fiscale.
(g) One Treasurer.
(h) One Secretary.
(i) One Interpreter.
(j) The representative or representatives of the respective villages of the Pueblo of Laguna who shall in the customary manner or as provided by the Council be selected by said villages as representatives of each of said villages.
(k) Such other persons as the Pueblo Council may appoint or recognize as members of the Council.

SEC. 2. Other Officers.—The Pueblo shall also have the following officers:

(a) One Captain of War.
(b) One First Lieutenant of War.
(c) One Second Lieutenant of War.

None of the officers named in this Section shall be members of the Council.

SEC. 3. Staff Officers.—The Governor, the First Lieutenant Governor, the Second Lieutenant Governor, the Head Fiscale, the First Fiscale, and the Second Fiscale shall serve as the governing officers of the six Laguna villages and with the Secretary, the Treasurer and the Interpreter shall constitute the Staff Officers of the Pueblo. Not more than one Staff Officer (other than the Secretary, the Treasurer and the Interpreter) shall come from the same village of the Pueblo of Laguna. The Secretary, the Treasurer, the Interpreter, and the officers not on the staff may come from any village or villages.

SEC. 4. Villages of Laguna.—The recognized villages of the Pueblo of Laguna are:

(a) Laguna, which is and shall continue to be the capital of the Pueblo of Laguna.
(b) Paquate.
(c) Casa Blanca and Paraje.
(d) Seama.
(e) Encinal.
(f) Mesita.

The settlements of Laguna Indians at Gallup and Albuquerque, New Mexico, at Winslow, Arizona, and at Barstow and Richmond, California are hereby recognized as settlements but not villages of Laguna Indians. Additional settlements may hereafter be recognized upon a petition signed by one-third of the adult members of any off-reservation community of Laguna Pueblo Indians presented to and approved by the Council. Settlements shall not be entitled to have a member among the Staff Officers except as hereafter authorized by the Council.

SEC. 5. Calling Council Meetings.—Within a reasonable time before each Council meeting, the Staff Officers shall call from each of the recognized villages of the Pueblo a representative or representatives to said Council meetings from each of said recognized villages. In matters of grave importance or matters which affect the recognized settlements, the Staff Officers shall call a delegate or delegates from each settlement affected. The Council shall be the judge of the qualifications of its own members.

SEC. 6. Voting in Council.—At all Council meetings, the Staff Officers and the representative or representatives from each of the villages of the Pueblo of Laguna, and any delegate or delegates from the settlements of the Pueblo of Laguna who may have been called by the Staff Officers to any meeting, shall each be entitled to one vote upon all questions submitted at said Council meetings. In all questions before the Council, a majority vote of those members of the Council present shall decide the question. A majority of the Council shall constitute a quorum. The number of representatives to be selected from each village or settlement shall be determined exclusively by the Staff Officers, whose decisions in the matter shall be final.

SEC. 7. Elections.—Nominations and election of all officers of the Pueblo of Laguna shall be held in accordance with the customs and ordinances of the Pueblo.

SEC. 8. Who May Vote.—All members of the Pueblo 18 years or more of age who understand the nature of the proceedings shall have the right to vote at all Pueblo elections. Eligibility of any person to vote, in the event of dispute, shall be determined by the method prescribed by the Council.

SEC. 9. Term of Office.—Officers elected shall serve until the next annual election or until their successors have qualified. The Governor shall not serve more than three successive terms in office. The Secretary and Treasurer shall not serve more than four successive terms in office. All other elected officers shall not serve more than two successive terms in office.

ARTICLE IV — THE PUEBLO COUNCIL AND ITS POWERS

SECTION 1. Legislative Power.—The legislative power shall be vested in the Pueblo Council, and the said power shall be exercised in accordance with the Constitution and laws of the United States applicable to Indians or Indian Tribes.

The Pueblo Council shall have the following rights and powers:

(a) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior, so long as such approval is required by Federal law.

(b) To prevent the sale, disposition, lease, or encumbrence of Pueblo lands, interests in lands, or other Pueblo assets; to execute leases, contracts and permits, provided that where the leasing or encumbering of Pueblo land is involved, the approval of the Secretary of the Interior shall be required.

(c) To negotiate with the Federal, State, and local governments, and with the Councils and governing authorities of other Pueblos or Indian Tribes.

(d) To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Pueblo prior to the submission of such estimates or projects to the Bureau of the Budget and to Congress.

(e) To enact ordinances to:

(1) establish and govern the procedure of a Pueblo Court subject to the provisions of Article V of this revised Constitution.

(2) provide for the maintenance of law and order within the Pueblo by enacting ordinances and resolutions governing personal conduct, subject to Secretarial approval.

(3) govern the civil rights and liabilities and domestic relations of Pueblo members and their families within the Pueblo.

(4) levy and collect taxes and raise revenue.

(5) regulate trade, inheritance, land holdings, and private dealings in land among members within the Pueblo.

(6) set up a procedure for naturalization and the determination of membership.

(7) establish and operate business or civic enterprises on behalf of the Pueblo and to provide for the management of any such enterprises.

(8) protect public health.

(9) equally provide for the welfare of the Pueblo.

(f) To fix salaries of Pueblo officers and employees; to appropriate and expend available funds of the Pueblo for health and education (including scholarships), salaries and expenses of Pueblo officers and employees, and for public purposes, including (relief of members of the Pueblo, contributions to charity and) per capita payments to members of the Pueblo; Provided, that with the exception of the initial distribution, the amount distributed per capita in any one year shall not exceed one-half of the net income (including income from minerals) received during the preceding Pueblo fiscal year.

(g) To regulate the nomination and election of officers, and to prescribe methods for determining eligibility to vote.

(h) To appoint committees, boards, officials and employees not otherwise provided for in this Constitution, provided, that all such appointments shall be by resolutions specifying authorities delegated.

(i) To operate a loan program for the purpose of making loans to members from the Pueblo funds either under the laws of the State of New Mexico or regulations approved by the Secretary.

SEC. 2. Delegated Powers.—The Council may exercise such further powers as may be delegated to the Pueblo by the Secretary of the Interior or by any other governmental official or agency.

ARTICLE V — JUDICIAL SYSTEM

SECTION 1. Judicial Power.—Judicial power shall be vested in a Pueblo Court. The Court shall consist of such number of judges as the Council may from time to time provide. Judges shall be appointed by the Council.

SEC. 2. Jurisdiction.—The Court shall have jurisdiction over all disputes between Indians on the reservation, over grievances or claims of Indians against the Pueblo, and over such disputes between Indians and non-Indians as may be brought before the Court by stipulation. Any dispute existing or arising between or among persons in any of the villages which cannot be settled by the parties affected shall be first brought before the village Staff Officer, who shall try to have the parties settle the matter by giving his advice. If the interested parties cannot, with the advice of the Staff Officer, adjust the matter in dispute, the matter shall be submitted to the Pueblo Court.

SEC. 3. The Court shall have jurisdiction over such offenses not falling within the jurisdiction of the Federal courts, as may be enumerated by ordinances of the Pueblo.

SEC. 4. The duties and procedure of the Court and the tenure and salary of the judges shall be such as the Council may provide by ordinance. Before expiration of the terms for which appointed, a judge shall not be removed from office except for cause.

SEC. 5. Parties shall be afforded the right to have the assistance of a next friend in all matters brought before the Court, but shall not have the right to be represented by an attorney at law unless rules have been adopted by the Council permitting such representation and prescribing the conditions under which attorneys at law may practice before the Court.

SEC. 6. If any party shall be dissatified with the judgment of the Pueblo Court, said person may appeal in accordance with procedures prescribed by ordinance.

ARTICLE VI — THE GOVERNOR, HIS POWERS AND DUTIES

SECTION 1. Executive Head.—The Governor shall be the executive head of the Pueblo, and his lawful orders must be obeyed and respected by all the members and others who reside within the exterior boundaries of the Pueblo. In the event of his absence from the Pueblo or in the event of his inability to perform his duties, the First Lieutenant Governor shall act in his stead. In the absence or inability to act of both the Governor and the First Lieutenant Governor, the officer next in line of preference then present in the Pueblo and able to act shall act in the Governor's stead.

SEC. 2. Conduct of Meetings.—It shall be the duty of the Governor to assume complete charge of all the meetings and to see that perfect order is preserved. In the discussion of business only one person at a time shall be allowed to speak. When any one wishes to speak he shall first ask permission of the Governor to do so before proceeding.

SEC. 3. Right of Protest.—Any person who believes that a ruling of the Governor is unjust and that he is being imposed upon by the Governor's orders, shall act as ordered under protest, and he shall then have the right to demand that the matter be brought before the Pueblo Court for adjudication.

SEC. 4. Meeting of General Pueblo.—In special matters of business in which all of the people are equally concerned, the Governor shall send a request to all the members of the Pueblo for their presence when such business is to be transacted. Notice of such general meeting shall be posted in such public places as the Council may by ordinance provide.

SEC. 5. Summoning Council.—The Governor shall have the right to summon any or all the Council members to be present at any of the staff meetings when in his opinion any such member's presence is especially needed, and in case any one of them cannot come when summoned he shall furnish his reasons to the Governor, who shall excuse him without a fine if his reasons are justifiable.

SEC. 6. Disposal of Business.—It shall be the duty of the Governor to see that all unfinished business on hand is disposed of, if possible, before the end of the month in which the business is presented.

ARTICLE VII — LAND ASSIGNMENT AND LAND LEASING

SECTION 1. Obtaining Use of Land.—When any qualified member of the Pueblo of Laguna desires a piece of unoccupied Pueblo land, he shall select his land and make his application to the mayordomo of the village, who shall take the matter up with the village officer who in turn shall discuss the matter with the Council. If the application is approved by the Council the officer and the mayordomo shall stake out the boundaries for the applicant and shall give him a written assignment describing the land and stating the terms or conditions on which it is assigned. A copy of such assignment shall be retained for the Pueblo records. Assignments may be made conditional on the assignee's making certain improvements within a stated period or on other conditions. The assignee shall then have three years within which to improve and make use of his assignment. Upon failure to improve or make use of the assignment within the three-year period following the approval thereof, or upon failure to make use of the assignment for any period of three successive years, the Council may dispossess the applicant. The Council may otherwise dispossess the applicant in accordance with, or for, violation of this Constitution or the laws of the Pueblo, or for violation of conditions. If at any time an assignment has been abandoned, it may be cancelled by the Council. The Council shall have the duty to provide a system for the recording of all land assignments, and shall have power to regulate the granting of such assignments.

SEC. 2. Qualifications.—The Council shall be the sole judge of the qualifications of any member to receive the use of any Pueblo lands, and to continue in possession of such lands.

SEC. 3. Acreage Limitations.—No member shall be entitled to hold an assignment or assignments of the Pueblo lands in excess of an acreage limitations fixed by the Council.

SEC. 4. Eminent Domain.—When in the public interest, and upon payment of just compensation for the improvements placed thereon, the Council shall have the authority to dispossess any member from his assignment, or a portion thereof. In the event of disagreement between the member and the Council as to the value of the improvements, the matter shall be decided finally by the Pueblo Court.

SEC. 5. Full Possession.—The right of full possession shall be guaranteed to any member of the Pueblo holding lands the use of which has been assigned to him by the officers for cultivation or other purpose. The Council shall have power to regulate, limit or prohibit the transfer, during lifetime or on death, and the renting or leasing of assigned lands. No member holding said lands shall rent or lease same to any person not a member of the Pueblo without first getting authority from the Council. In no event shall any member be authorized to lease or rent the use of his land to a person not a member of the Pueblo if any member of the Pueblo needs such land.

The Council shall be the judge of whether any member of the Pueblo needs such land. No assignments shall be cancelled or terminated except under provisions of Section 4 of this Article or for cause and upon payment of just compensation of any improvements made on the land.

SEC. 6. Non-Indians.—Non-Indians shall not be entitled to receive any Pueblo benefits and shall not be permitted to hold assignments of land or the use thereof, except as provided in Section 7 of this Article and except that the surviving non-Indian spouse of a member may continue to live on the land assigned to the member under terms and conditions prescribed by the Council.

SEC. 7. Leases.—No lease of land shall be given to any company, or corporation or to any non-member of the Laguna Pueblo who wishes to do business of any nature except by the decisions of the Pueblo Council assembled for the purpose. Then the Council shall have the power to execute such lease, and there must be a written agreement signed by the Governor, two members of the Council and the lessee; otherwise, such lease shall be null and void.

SEC. 8. Minerals.—All minerals, in, on or under any lands under the jurisdiction of the Pueblo are and shall continue to remain the property of the Pueblo of Laguna and not of the person having the right to use or hold the surface of the land in, on or under which such minerals may exist or be found. The Council shall have the power to authorize removal of any such minerals with the approval of the Secretary of the Interior so long as his approval is required by law. All proceeds derived from the removal of any minerals shall be placed in the general Pueblo treasury to be expended as authorized by this revised Constitution. Any mining lease shall provide that the lessee shal compensate the Pueblo for any injury to the improvement or occupancy of any lands assigned to individuals under this Article caused by the use of the surface by the lessee. Compensation so received shall be paid over to such individual so injured.

ARTICLE VIII — RIGHTS OF MEMBERS

SECTION 1. Rights of Each Member of Pueblo.—Each member of the Pueblo of Laguna is hereby assured of his rights as a citizen of the United States and no attempt shall be made by the Council or the officers of the Pueblo to enforce any order which shall deprive him of said rights.

SEC. 2. Religious Toleration.—All religious denominations shall have freedom of worship in the Pueblo of Laguna, and each member of the Pueblo shall respect the other members' religious beliefs.

ARTICLE IX — LIQUIDATION

SECTION 1. Liquidation.—No liquidation of the assets of the Pueblo or dissolution of the Pueblo shall be effectuated except upon affirmative vote of at least 2/3 of all members of the Pueblo entitled to vote at the election called for that purpose.

ARTICLE X — AMENDMENTS

This Constitution and Bylaws may be amended by a majority vote of the members of the Pueblo 21 years of age or over voting in an election called for that purpose by the Secretary of the Interior, provided that at least 30 percent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment at the request of a majority of the Council or upon receipt of a petition signed by at least one-fifth of the eligible voters.

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BY-LAWS OF THE PUEBLO OF LAGUNA

ARTICLE I — COUNCIL PROCEDURE

SECTION 1. Oath.—Each officer shall upon election take oath to support the Constitution of the United States and of the Pueblo and faithfully to discharge his duties as such officer, and shall pledge allegiance to the Pueblo and to the United States of America.

SEC. 2. Attendance of Meetings.—All Staff Officers and members of the Council shall be required to be present at all meetings of the Staff Officers or of the Council respectively. Should any such official find it impossible to attend any meeting, he must notify the Governor, giving his reasons, and send a substitute in his place. If such official is absent and has not given the Governor reasons for absence, or if the reasons are not acceptable to the Governor, the absent official shall be fined fifty cents ($0.50) or such higher sum as may be fixed by the Pueblo Council, which shall be paid into the Pueblo funds. If a substitute is sent by an official who has given no reason for his absence or whose reasons for absence are not accepted as an excuse, those present at the meeting shall decide whether the substitute may act,

SEC. 3. Voting of Staff—Quorum.—A simple majority shall constitute a quorum; a quorum being present, a majority vote of those present and eligible to vote upon any matter shall decide the matter, unless otherwise provided in the Constitution.

ARTICLE II — DUTIES AND POWERS OF THE SECRETARY AND OF THE TREASURER

SECTION 1. Secretary.—The Secretary shall perform the customary functions of his office and such other duties as the Council may from time to time provide.

SEC. 2. Treasurer.—The Treasurer shall perform the customary functions of his office and such other duties as the Council may from time to time provide. The Treasurer shall, at Pueblo expense, at all times be required to furnish a bond in an amount satisfactory to the Council.

ARTICLE III — DUTIES AND POWERS OF THE WAR CAPTAIN, THE FIRST AND SECOND LIEUTENANTS OF WAR

SECTION 1. The War Captain and the First and Second Lieutenants of War shall be elected in the customary manner and shall perform the traditional duties and functions of their offices.

ARTICLE IV — THE INTERPRETER AND HIS DUTIES

SECTION 1. It shall be the duty of the Interpreter to do all necessary interpreting at all meetings, and to do any official interpreting outside of the meetings when requested by the Governor. It shall not be his official duty to interpret in private matters not concerning the Pueblo. He shall have such other duties as the Council may from time to time prescribe.

ARTICLE V — OBLIGATION OF STAFF OFFICERS

SECTION 1. Each Staff Officer shall devote so much of his time to official duties as is necssary to diligently carry on the business of the Pueblo, for which each shall receive much compensation as the Council may from time to time provide.

ARTICLE VI — SELECTION, DUTIES AND POWERS OF MAYORDOMOS

SECTION 1. Mayordomos shall be selected in the same manner as they have heretofore been chosen and shall have the duty of supervision over all community work and such other duties as the Council may from time to time provide.

ARTICLE VII — VILLAGE OFFICERS SUBJECT TO GOVERNOR

SECTION 1. Supervision by Governor.—The officer in charge of a village of Laguna Pueblo is subject to the orders of the Governor. He shall give no orders to the people of his village without first submitting them to the Governor, unless he should have a standing order from the Governor to give certain orders or to perform certain duties whenever he deems it necessary.

SEC. 2. Emergency Exceptions.—All cases of emergency are excepted from the procedure in Section 1.

ARTICLE VIII — PUBLIC WORK AND ASSESSMENTS

SECTION 1. Public Works.—Each person over the age of eighteen and residing within the exterior boundaries of the Pueblo is required to perform community work in accordance with established ordinances and customs, unless excused therefrom by proper authority. All members of the Pueblo working under the supervision of the Governor or of any village officer or Mayordomo are required to obey orders of the supervising officer. If any person believes that an order is unjust he shall act as ordered under protest and he shall then have the right to demand that the matter be brought before the Governor for a ruling.

SEC. 2. Disobedience.—Since all public work first comes under the Governor, the Mayordomo and the other officers in charge of work shall use only reasonable methods of instruction and discipline and shall strive to have peace and harmony throughout the work. The mayordomo or other officer in charge shall have power to assess such fines as may be provided by ordinance for any disturbance or disobedience. The person fined may bring the matter before the Governor for a ruling if such person considers the treatment he has received as unfair, unjust or unreasonable.

SEC. 3. Assessments.—The Council shall have power to impose an annual assessment of a reasonable amount upon members who reside outside the exterior boundaries of the Pueblo and upon other members who do not perform community work. The Council may excuse defined classes of members from performance of community work and the payment of assessments. The manner and time of paying assessments shall be prescribed by the Council.

Persons who fail to pay assessments due shall not be members of the Pueblo in good standing. Members not in good standing shall not be entitled to any of the benefits accruing to membership in the Pueblo; upon payment of delinquent assessments, a person may be reinstated retroactively to good standing.

SEC. 4. Disability.—Any member may for physical disability, military service in the Armed Forces of the United States, or for such other reason as the Council may find sufficient, be excused from community work or from annual assessments. The Council shall be the sole judge of whether any person furnishes adequate reasons for being excused from said services or payments.

ARTICLE IX — VACANCIES AND REMOVAL

SECTION 1. Removal.—The Pueblo Council may by a majority vote remove any officer or any member of the Council for gross neglect of duty, or gross misconduct; Provided, that the accused shall be given an opportunity to answer any and all charges at a meeting held for that purpose. The decision of the Council shall be final.

SEC. 2. Vacancies.—The Pueblo Council shall fill vacancies caused by death, removal, resignation, or otherwise, such appointments to be in force and effect until the next annual election.

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CERTIFICATION OF ADOPTION

Pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378), the attached amended Constitution and Bylaws approved on May 29, 1958, by Roger Ernst, Assistant Secretary of the Interior was submitted for ratification to the adult Indians of the Pueblo of Laguna in New Mexico, and was on October 8, 1958, ratified by a vote of 1331 for, and 92 against, in an election in which at least 30 percent of those entitled to vote cast their ballots.

JAMES SOLOMON
Governor, Pueblo of Laguna

JOHN M.PINO, JR.
Secretary, Pueblo of Laguna Council

GUY C. WILLIAMS
Superintendent, United Pueblos Agency

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APPROVAL

I, ELMER F. BENNETT, Acting Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Amendment I amending in its entirety the Constitution of the Pueblo of Laguna in New Mexico as adopted by the Indians of the Pueblo of Laguna on December 5, 1949, and as approved by this Department on December 21, 1949.

All rules and regulations heretofore promulgated by the Interior Department or by the Bureau of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution are hereby declared inapplicable to the Pueblo of Laguna.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution.

Approval recommended:

GLENN L. EMMONS
Commissioner of Indian Affairs

ELMER F. BENNETT
Acting Secretary of the Interior

[SEAL]

WASHINGTON, D.C.
November 10, 1958.

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CONSTITUTION AND BY-LAWS OF THE PUEBLO OF SANTA CLARA, NEW MEXICO

Approved December 20, 1935

PREAMBLE

We, the people of Santa Clara Pueblo, in order to establish justice, promote the common welfare and preserve the advantages of self-government, do ordain and establish this constitution.

ARTICLE I — JURISDICTION

This constitution shall apply within the exterior boundaries of Santa Clara Pueblo grant and to such other lands as are now or may in the future be under the jurisdiction of the pueblo of Santa Clara. This constitution shall apply to and be for the benefit of all persons who are members of the pueblo of Santa Clara.

ARTICLE II — MEMBERSHIP

SECTION 1. Conditions of Membership.—The membership of the Santa Clara Pueblo shall consist as follows:

(a) All persons of Indian blood whose names appear on the census roll of the Santa Clara Pueblo as of November 1, 1935, provided that within one year from the adoption and approval of this constitution corrections may be made in the said roll by the pueblo council with the approval of the Secretary of the Interior.

(b) All persons born of parents both of whom are members of the Santa Clara Pueblo.

(c) All children of mixed marriages between members of the Santa Clara Pueblo and non-members, provided such children have been recognized and adopted by the council.

(d) All persons naturalized as members of the pueblo.

SEC. 2. Naturalization.—Indians from other pueblos or reservations who marry a member of Santa Clara Pueblo may become members of the pueblo, with the assent of the council, by naturalization. To do this they must (1) go before the pueblo council and renounce allegiance to their tribe and declare intention of becoming members of the Santa Clara Pueblo. They shall swear that from that date on they will not receive any benefits from their people, except through inheritance. (2) A year later they shall go before the pueblo council again, swear allegiance to the pueblo of Santa Clara and receive membership papers; provided, they have kept their promise from the time of their first appearance before the pueblo council.

ARTICLE III — ORGANIZATION OF THE PUEBLO COUNCIL

SECTION 1. Officers.—The governing power of the pueblo of Santa Clara shall be vested in the pueblo council which shall consist of the following officers:

Officers:	Number
Governor	1
Lieutenant Governor	1
Representatives	8
Secretary	1
Treasurer	1
Interpreter	1
Sheriff	1

and such other officers as the council may recognize or appoint.

SEC. 2. Election of Governor, Lieutenant Governor, Secretary, Treasurer, Interpreter, and Sheriff.—On the first Saturday of each year an election shall be held within the pueblo of Santa Clara, at which a Governor, Lieutenant Governor, Secretary, Treasurer, Interpreter, and Sheriff shall be elected by secret ballot to serve for the ensuing year.

SEC. 3. Who May Vote.—Every member of the pueblo of Santa Clara who is of sane mind and over 18 years of age, may vote at any election. Any member who is absent from the pueblo on the date of any election shall have the right to vote by mail under such rules as may be prescribed by the pueblo council.

SEC. 4. Candidates.—Candidates for Governor, Lieutenant Governor, Secretary, Treasurer, Interpreter, and Sheriff shall be nominated at least fifteen (15) days before the date upon which each election is to be held. Nominations for the first election shall be made by the recognized parties now existing within the pueblo. Thereafter, nominations shall be made in a manner prescribed by the council of the pueblo.

SEC. 5. Representatives.—Two representatives shall be appointed to the pueblo council upon the date of the first election, for a term of 1 year by each of the four recognized parties now existing within the pueblo, and in all future elections eight representatives shall be chosen in a manner to be prescribed by the council.

SEC. 6. Manner of Elections.—All nominations for office and elections shall be made and held in a manner prescribed by the council of the pueblo.

ARTICLE IV -- THE PUEBLO COUNCIL AND ITS POWERS

SECTION 1. Legislative Power.—The legislative power shall be vested in the pueblo council, and the said power shall be exercised in accordance with, and not in conflict with, the constitution or any laws of the United States of America.

The pueblo council shall have the following rights and powers:

1. To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

2. To prevent the sale, disposition, lease, or encumbrance of pueblo lands, interests in lands, or other tribal assets.

3. To negotiate with the Federal, State, and local governments, and with the councils and governing authorities of other pueblos or Indian tribes.

4. To advise the Secretary of the Interior with regard to all appropriation es-

timates or Federal projects for the benefit of the pueblo prior to the submission of such estimates to the Bureau of the Budget and to Congress.

5. To enact ordinances, not inconsistent with the constitution and bylaws of the pueblo, for the maintenance of law and order within the pueblo and for the punishment of members, and the exclusion of nonmembers violating any such ordinances, for the raising of revenue and the appropriation of available funds for pueblo purposes, for the regulation of trade, inheritance, land-holding, and private dealings in land within the pueblo, for the guidance of the officers of the pueblo in all their duties, and generally for the protection of the welfare of the pueblo and for the execution of all other powers vested in the pueblo by existing law: Provided, That any ordinance which affects persons who are not members of the pueblo shall not take effect until it has been approved by the Secretary of the Interior or some officer designated by him.

6. To delegate any of the foregoing powers to appropriate officers of the pueblo, reserving the right to review any action taken by virtue of such delegated power.

SEC. 2. Judicial Power.—The pueblo council shall also adjudicate all matters coming before it over which it has jurisdiction. In all controversies coming before the pueblo council, the council shall have the right to examine all witnesses and ascertain full details of the controversy, and after the matter shall have been sufficiently commented upon by the interested parties, the council shall retire to a private place to make a decision. All of the members of the council except the Governor and the Lieutenant Governor shall have the right to vote upon a decision, and a majority shall rule. In the event of a tie, the Governor shall have the right to cast a vote, thereby breaking the tie. It shall be the duty of the Governor and the Lieutenant Governor to express to the other members of the pueblo council their views regarding the case before a vote is taken.

SEC. 3. Common Laws of Pueblo.—With respect to all matters not covered by the written constitution, bylaws, and ordinances of the pueblo of Santa Clara, nor by those laws of the United States of America which are applicable to the pueblo of Santa Clara, the customs and usages of the pueblo, civil, and criminal, as interpreted by the council, shall have the force of law.

ARTICLE V — THE GOVERNOR, HIS POWERS AND DUTIES

The Governor shall be the executive head of the pueblo government. It shall be his duty to enforce the laws of the pueblo, civil and criminal, written and unwritten. If any person considers that any ruling of the Governor is unjust, he shall have the right to demand through any representative of the pueblo council or directly to the pueblo council that the matter be brought before the pueblo council for adjudication at the next meeting of said officers.

In all community work the Governor shall be the sole overseer unless he is unavoidably absent, in which event the Lieutenant Governor shall have the same rights and duties as the Governor.

ARTICLE VI — VACANCIES AND IMPEACHMENTS

SECTION 1. Vacancies.—Should any vacancy occur in any of the offices or any member of the council, the council shall, by a majority vote have the right to name a successor for the said office, except that in the event the office of Governor becomes vacant for any reason, then and in that event the Lieutenant Governor shall thereupon become the Governor with all duties and powers of the said office, and further, that the successor to any pueblo representative appointed by a particular group shall be chosen by the same group.

SEC. 2. Impeachment.—Any officer charged with grave offenses may be tried before the other members of the council. The manner of conducting impeachments shall be prescribed by the council. The council shall act as the trial court, and if they decide, by a two-thirds vote, to remove the accused member from office he will be removed.

ARTICLE VII — LAND

SECTION 1. Pueblo Title.—Title to all lands of the pueblo, whether assigned to the use of individuals or withheld for the common use of the members of the pueblo, shall forever remain in the pueblo itself and not in the individual members thereof. All the members of the pueblo are declared to have an equal right to make beneficial use, in accordance with ordinances of the council, of any land of the pueblo not heretofore or hereafter assigned to individual members.

For the purpose of this article the word "member" shall be defined by the council.

SEC. 2. Individual Rights of Possession.—The right of full possession shall be guaranteed to every member of the pueblo, holding lands assigned to him by the Pueblo Council, for cultivation or other purposes: Provided, That no member holding said lands shall sell or will same to an alien. All lands assigned to individuals of the pueblo must be completely fenced within three years. Any violations of the above provision shall be sufficient cause for the council to dispossess him of said land. He shall have the right, however, to rent to a pueblo member or, with the approval of the council, to an alien, all lands under his possession, for a term not to exceed two years. He shall have the right to sell his interest in said lands to any other member of the pueblo after his assignment has been finally approved, subject to such regulations as the council may prescribe.

SEC. 3. Council to Have Power of Granting Assignments.—When any member of the pueblo desires a piece of unimproved pueblo land, he shall select his land, and then make his application for same to the council of the pueblo. If the council decides to grant him the land, or any part thereof, they shall mark out the boundaries of same. The grantee shall thereafter have full possession of said land, unless the council shall, in accordance with the constitution, bylaws, and ordinances of the pueblo, dispossess him of the same.

SEC. 4. Prior Assignments Recognized.—All assignments of land heretofore made by the pueblo authorities are hereby recognized and confirmed.

ARTICLE VIII — AMENDMENTS

No amendments or changes shall be made in the constitution or bylaws of the pueblo except by a decision of the general pueblo. At the request of the council the Secretary of the Interior shall submit any proposed amendment to the said constitution or bylaws to a vote of the people. If such amendment is approved by a majority of the qualified voters of the pueblo, 21 years old or over, voting at an election in which at least 30 percent of those entitled to vote shall vote, it shall be submitted to the Secretary of the Interior, and if he shall approve the same it shall become effective.

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BY-LAWS OF THE PUEBLO OF SANTA CLARA, NEW MEXICO

ARTICLE I — DUTIES OF OFFICERS

SECTION 1. **Governor**.—The Governor shall be in full charge of all meetings of the pueblo council. It shall be his duty to see that perfect order is preserved in every respect. In the discussion of all business but one person shall be allowed to speak at a time, and the Governor shall have the right to set a time limit upon speakers. When any member of the pueblo council or any other person desires to speak at a meeting of the pueblo council, such person shall first ask permission of the Governor to do so before proceeding. It shall be the duty of the Governor to see that all business presented to the council within any month be disposed of, if possible, before the beginning of the next month.

SEC. 2. **Lieutenant Governor**.—The Lieutenant Governor shall be next in rank to the Governor. In case of the death, resignation, absence, impeachment, or other disability of the Governor, the Lieutenant Governor shall become Governor or act as Governor during such disability or absence. As long as the Governor is at the pueblo holding office, the Lieutenant Governor shall have the power only of a representative in the council, except as otherwise provided in the constitution and bylaws of the pueblo.

SEC. 3. **Representatives**.—Representatives shall represent their people in the pueblo council. They shall bring before the council at every meeting the matters that their people want brought before the council and such other matters as each representative believes should be presented to the council. Such matters may originate with any member of the pueblo or may originate with the representative himself.

SEC. 4. **Secretary**.—The secretary shall keep a record of all council proceedings and all business authorized or transacted by the council. At the beginning of each regular meeting, he shall call the roll of councilmen and all specially summoned persons expected to be present. He shall then read the minutes of the previous meeting and the officers shall then decide as to whether they should be approved as they stand, and all persons present shall have the right to suggest corrections. After the minutes of the previous meeting have been accepted, the secretary will then mark them approved. The secretary shall attend to all official correspondence as directed by the pueblo council and the Governor.

SEC. 5. **Treasurer**.—It shall be the duty of the treasurer to receive all money due to the pueblo and to give a receipt for the same. He shall deposit the pueblo money in a bank which should be approved by the pueblo council. He shall keep a record in his books of all moneys received and paid out. Moneys of the pueblo shall be paid by check signed by the treasurer and countersigned by the Governor. No moneys shall be paid out unless the same shall have been authorized to be expended by the council and vouchers for same shall have been signed by the Governor and the secretary. At each regular meeting of the pueblo council, the treasurer shall present to them a statement of receipts and disbursements made by him since the last regular meeting and he shall submit to the pueblo council at each regular meeting all of his books and a statement of the financial condition of the pueblo funds.

SEC. 6. Interpreter.—The interpreter shall translate from the Tewa language into the English language or from English into the Tewa language whenever directed to do so by the pueblo council. He shall also assist the secretary with the official correspondence of the pueblo.

SEC. 7. Sheriff.—It shall be the duty of the sheriff to assist the Governor in keeping law and order in the pueblo. He shall maintain order at all meetings, also in the village and on the pueblo lands. He shall report on disorders to the council. He shall have authority to stop trouble immediately wherever he finds it, without special authorization from the Governor. In case of disputes or difficulties the sheriff shall bring the parties in controversy before the council for a decision. He shall bring before the council for punishment all violators of the laws of the pueblo. He shall serve notices or summons upon all persons required to be present before the council in criminal or civil proceedings.

ARTICLE II — QUALIFICATIONS OF OFFICE

SECTION 1. Qualifications of Governor and Lieutenant Governor.—The Governor and the Lieutenant Governor must be at least twenty-five (25) years of age and shall not be over sixty-five (65) years of age. They must be members of the pueblo of Santa Clara and be residents of said pueblo at the time of their election. They must be able to speak the Tewa language fluently and also be able to speak either the English or Spanish languages well enough to be understood.

SEC. 2 Qualifications of Representatives.—The representatives must be at least twenty-five (25) years of age. They must be members of the pueblo of Santa Clara and residents thereof at the time of their selection. They must be able to speak the Tewa language fluently.

SEC. 3. Qualifications of Secretary, Treasurer, and Sheriff.—The secretary, treasurer, and sheriff must be not less than twenty-five (25) years of age and not over sixty-five (65) years of age. They must be members of the pueblo of Santa Clara and residents thereof at the time of their election. They must be able to speak the Tewa language fluently and speak, read, and write the English language, and it will be preferable to have those who can also understand the Spanish language.

SEC. 4. Qualifications of the Interpreter.—The interpreter shall be not less than twenty-five (25) years of age, and not over sixty-five (65) years of age, and must be a member of the pueblo of Santa Clara and a resident thereof at the time of his election. He must be able to speak the Tewa language fluently and to translate the said language into English and Spanish and the English and Spanish languages into the Tewa language.

ARTICLE III — CONDUCT OF COUNCIL MEETINGS

SECTION 1. Regular Meetings.—Regular meetings of the pueblo council shall be held at least once a month, at such time and place as shall be fixed by the council, and special meetings shall be held at such times and places as shall be fixed by the council. No action shall be taken by the council at any meeting unless at least a majority of the members are present.

SEC. 2. Attendance of Council Members.—Every member of the pueblo council shall be required to be present at each regular monthly meeting and at each special meeting of the pueblo council unless it should be impossible for such member to be there, in which event said member shall notify the Governor of his inability to attend, giving reasons therefor. The Governor will then refer the matter to the pueblo council who, if the reasons given are found to be justifiable, shall excuse the absence of the said member. In the event that members of the council receive compensation for their services from the pueblo funds, an unexcused absence shall be punished by a fine to be fixed by the pueblo council.

SEC. 3. Matters of General Interest to Pueblo.—In all matters in which all of the people of the pueblo of Santa Clara are interested, the pueblo council shall cause the sheriff to notify all members of the pueblo of the time and place at which such business is to be transacted. At least three days' notice of such general meeting of the pueblo council shall be given in such manner as shall be prescribed hy the bylaws of the pueblo. If any member of the pueblo wants a special meeting for all the people in the pueblo, he will first get permission from the pueblo council through a representative, or through the Governor.

SEC. 4. Special Meetings on Grievanes.—If any member of the pueblo of Santa Clara has any grievance against any other member of the said pueblo which cannot await settlement at the regular pueblo council meeting, he shall report the same to the Governor who, if he deems that the case required speedy attention, shall call a special meeting of the council at such time and place as the Governor shall fix, to pass upon the said matter.

SEC. 5. Advice of Counsel.—If any cause cannot be fully understood by the pueblo council, the pueblo council may consult the special attorney for the Pueblo Indians and ask for his advice.

ARTICLE IV — PERSONAL LIBERTIES

SECTION 1. Private Rights of Each Member of the Pueblo.—Each member of the pueblo of Santa Clara shall be assured his private rights as a citizen of the United States, and no attempt shall be made by the officers of the pueblo to enforce any order upon him depriving him of said rights.

SEC. 2. Preference to Relatives.—Preference to relatives shall not be given by council members under any circumstances. If they clearly show preference they will be exposing themselves to impeachment.

SEC. 3. Old Members of the Pueblo.—All members of the pueblo who have completed their 75th year shall not be compelled to work on community work (pueblo cleaning, fencing, etc.), and ditch work. If, however, they of their own accord attend to community work they will be free to work as they please.

Retired members will not, however, be able to fill the places of sons who are of working age and not justified in refusing to serve on community work and ditch work.

ARTICLE V — INTOXICATION

Any person showing signs of intoxication will not be allowed to take part in a council meeting. Council members who attend meetings while intoxicated or who have missed a meeting because of intoxication will face a charge of impeachment.

All liquor charges will be decided by the pueblo council and fines will be made by the council when cases come up before the council.

ARTICLE VI — STOCK

From March 1 to November 1 of each year it shall be the duty of all members of the pueblo to report all loose animals found in cultivated fields of the pueblo to the Governor. The Governor will then notify the owners. If they do not remove the animals from the fields at once, they will be subject to a fine. The fine will be made according to the amount of damage done. If the Governor cannot by himself settle a question like this he will be free to bring the case before the pueblo council.

ARTICLE VII — RATIFICATION

This constitution and bylaws, when ratified by a majority vote of the members of the pueblo over twenty-one years of age at a special election, called by the Secretary of the Interior, in which at least thirty percent (30%) of the eligible voters shall vote, shall be submitted to the Secretary of the Interior for his approval and shall be effective from the date of such approval. The constitution and bylaws of the pueblo may thereafter be amended or revoked in the manner provided under Article VIII of the constitution.

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CERTIFICATION OF ADOPTION

Pursuant to an order, approved November 23, 1935, by the Secretary of the Interior, the attached constitution and by-laws was submitted for ratification to the Indians of the Santa Clara pueblo and was on December 14, 1935, duly adopted by a vote of 145 for and 8 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the act of June 15, 1935 (Pub., No. 147, 74th Cong.).

PATRICI GUTIERREZ,
Chairman of Election Board.

CLETO TAFOYA,
Secretary of Election Board.

NESTOR NARANJO.
JOHN NARANJO.
ANASTACIO NARANJO.
AGAPITO NARANJO.
JOSE G. NARANJO.
JOSEPH FILARIO TAFOYA.

S. D. ABERLE,
Superintendent in charge of the United Pueblos Agency.

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APPROVAL

I, Harold L. Ickes, the Secretary of the Interior of the United States of America granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached constitution and by-laws of the pueblo of Santa Clara.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said constitution or by-laws are hereby declared inapplicable to the pueblo of Santa Clara.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said constitution and by-laws.

Approval recommended December 18, 1935.

JOHN COLLIER,
Commissioner of Indian Affairs.

HAROLD L. ICKES,
Secretary of the Interior.

[SEAL]

WASHINGTON, D.C., December 20, 1935.

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CORPORATE CHARTER OF THE YAVAPAI-APACHE INDIAN COMMUNITY OF THE CAMP VERDE RESERVATION, ARIZONA

Whereas, the Yavapai-Apache Band of Indians of the Camp Verde Reservation, Arizona, constitutes a recognized Indian Tribe organized under a Constitution and By-laws ratified by the Tribe on October 24, 1936, and approved by the Secretary of the Interior on February 12, 1937, pursuant to Section 17 of the Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378); and

Whereas, more than one-third of the adult members of the Tribe have petitioned that a charter of incorporation be granted to said Tribe subject to ratification by a vote of the adult Indians living on the Camp Verde Reservation;

Now, therefore, I, William E. Warne, Assistant Secretary of the Interior, by virtue of the authority conferred upon me by the said Act of June 18, 1934 (48 Stat. 984), do hereby issue and submit this charter of incorporation to the Yavapai-Apache Indian Community to be effective from and after such time as it may be ratified by a majority vote of the adult Indians living on the Camp Verde Reservation at an election in which at least 30 percent of the eligible voters shall vote.

SECTION 1. Corporate Existence and Purposes.—In order to further the economic development of the Yavapai-Apache Indian Community of the Camp Verde Reservation in Arizona by conferring upon the said Tribe certain corporate rights, powers, privileges and immunities; to secure for the members of the Tribe an assured economic independence; and to provide for the proper exercise by the Tribe of various functions heretofore performed by the Department of the Interior, the aforesaid Tribe is hereby chartered as a body politic and corporate of the United States of America, under the corporate name "The Yavapai-Apache Indian Community."

SEC. 2. Perpetual Succession.—The Yavapai-Apache Indian Community shall, as a Federal corporation, have perpetual succession.

SEC. 3. Membership.—The Yavapai-Apache Indian Community shall be a membership corporation. Its members shall consist of all persons now or hereafter members of the Tribe, as provided by its duly ratified and approved constitution and by-laws.

SEC. 4. Management.—The Yavapai-Apache Community Council established in accordance with the said constitution and by-laws of the Tribe, as amended, shall exercise all the corporate powers hereinafter enumerated.

SEC. 5. Corporate Powers.—The Tribe, subject to any restrictions contained in the Constitution and laws of the United States, or in the constitution and by-laws of the said Tribe, shall have the following corporate powers in addition to all powers already conferred or guaranteed by the tribal constitution and by-laws.

(a) To adopt, use and alter at its pleasure a corporate seal.

(b) To purchase, take by gift, bequest or otherwise, own, hold, operate, and dispose of property of every description, real and personal, subject to the following limitations:

(1) No sale or mortgage may be made by the Tribe of any land, or interests

in land, including water power sites, water rights, oil, gas, and other mineral rights, now or hereafter held by the Tribe within the boundaries of the Camp Verde Reservation.

(2) No mortgage may be made by the Tribe of any standing timber on any land now or hereafter held by the Tribe within the boundaries of the Camp Verde Reservation.

(3) No leases, permits (which terms shall not include land assignments to members of the Tribe) or timber sales contracts covering any land or interests in land now or hereafter held by the Tribe within the boundaries of the Camp Verde Reservation shall be made by the Tribe for a longer term than ten years, and all such leases, permits or contracts must be approved by the Secretary of the Interior or by his duly authorized representative; but oil and gas leases, or any leases requiring substantial improvements of the land may be made for longer periods when authorized by law.

(4) No action shall be taken by or in behalf of the tribe which in any way operates to destroy or injure the tribal grazing lands, timber, or other natural resources of the Camp Verde Reservation. All leases, permits, and timber sale contracts relating to the use of tribal grazing or timber lands shall conform to the regulations of the Secretary of the Interior authorized by Section 6 of the Act of June 18, 1934, with respect to range carrying capacity, sustained yield forestry management, and other matters therein specified.

Conformity to such regulations shall be made a condition of any lease, permit, or timber sale contract, whether or not such agreement requires the approval of the Secretary of the Interior, and violations of such condition shall render the agreement revocable, in the discretion of the Secretary of the Interior.

(c) To borrow money from the Indian Credit Fund in accordance with the terms of Section 10 of the Act of June 18, 1934 (48 Stat. 984), or from any other governmental agency, or from any member or association of members of the Tribe, and to use such funds directly for productive tribal enterprises, or to loan money thus borrowed to individual members or associations of members of the Tribe: Provided, That the amount of indebtedness to which the Tribe may subject itself, other than indebtedness to the Indian Credit Fund, shall not exceed $2,000, except with the express approval of the Secretary of the Interior.

(d) To engage in any business that will further the economic well-being of the members of the Tribe or to undertake any activity of any nature whatever, not inconsistent with law or with any provisions of this Charter.

(e) To make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this Charter, with any person, association, or corporation, with any municipality or any country, or with the United States or the State of Arizona, including agreements with the State of Arizona for the rendition of public services: Provided, That any contract involving payment of money by the corporation of a value in excess of $5,000 in any one fiscal year shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(f) To pledge or assign chattels or future tribal income due or to become due to the Tribe: Provided, That such agreements of pledge or assignment or extensions thereof other than an agreement with the United States shall not extend more than ten years from the date of execution and shall not cover more than one-half the net tribal income from any one source in any one year; And provided further, That any such agreement shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(g) To deposit corporate funds, from whatever source derived, in any national or state bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation, or secured by a surety bond, or other security, approved by the Secretary of the Interior; or to deposit such funds in the Postal Savings Bank or with a bonded disbursing officer of the United States to the credit of the corporation.

(h) To sue and be sued in any courts of competent jurisdiction within the United States; but the grant of exercise of such power to sue and to be sued shall not be deemed a consent by said Tribe or by the United States to the levy of, any judgment, lien or attachment upon the property of the Tribe other than income or chattels especially pledged or assigned.

(i) To exercise such further incidental powers, not inconsistent with law, as may be necessary to the conduct of corporate business.

SEC. 6. Corporate Property.—No property rights of the Yavapai-Apache Tribe of the Camp Verde Reservation, as heretofore constituted, shall be in any way impaired by anything contained in this Charter, and the tribal ownership of unallotted lands, whether or not assigned to the use of any particular individuals is hereby expressly recognized. The individually-owned property of members of the Tribe shall not be subject to any corporate debts or liabilities, without such owner's consent. Any existing lawful debts of the Tribe shall continue in force, except as such debts may be satisfied or cancelled pursuant to law.

SEC. 7. Corporate Dividends.—The Tribe may issue to each of its members a non-transferable certificate of membership, and may use all profits of corporate enterprises or income, over and above sums necessary todefray corporate operations and over and above all sums which may be devoted to the establishment of a reserve fund, for public purposes of the Tribe, including the construction of public works, the cost of public enterprises, the expenses of tribal government, the needs of charity and the making of loans to members of the Tribe but no general distribution per capita of such profits or income shall be made.

SEC. 8. This Charter shall not be revoked or surrended except by act of Congress, but amendments may be proposed by resolutions of the Community Council which if approved by the Secretary of the Interior, to be effective, shall be ratified by a majority vote of the adult members living on the reservation at a popular referendum in which at least thirty per cent of the eligible voters vote.

SEC. 9. This Charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Yavapai-Apache Tribe of the Camp Verde Reservation living on the Reservation, provided that at least thirty per cent of the eligible voters shall vote, such ratification to be formally certified by the

Superintendent of the Truxton Canon Agency and the Chairman of the Yavapai-Apache Community Council of the Camp Verde Reservation.

Submitted by the Assistant Secretary of the Interior for ratification by the Yavapai-Apache Tribe of the Camp Verde Reservation.

WILLIAM E. WARNE
Assistant Secretary of the Interior

Washington, D.C. [SEAL]

March 11, 1948

***

CERTIFICATION

Pursuant to Section 17 of the Act of June 18, 1934 (48 Stat. 984), this Charter, issued on March 11, 1948, by the Assistant Secretary of the Interior to the Yavapai-Apache Indian Community of the Camp Verde Reservation, Arizona, was duly submitted for ratification to the adult members of the Community living on the reservation and was on April 24, 1948, duly ratified by a vote of 96 for, and 1 against, in an election in which over 30 percent of those entitled to vote cast their ballots.

CALLAWAY RONNAHA
Chairman, Yavapai-Apache Indian Community Council.

HARRINGTON TURNER
Secretary, Yavapai-Apache Indian Community Council.

THOMAS H. DODGE
Superintendent, Truxton Canon Agency.

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CONSTITUTION AND BY-LAWS OF THE YAVAPAI-APACHE INDIAN COMMUNITY, ARIZONA

Approved February 12, 1937

PREAMBLE

We, the Yavapai-Apache Band of Indians of the Camp Verde Reservation, in order to establish a legal community organization, promote the common welfare, and secure certain privileges and powers offered to us by the Indian Reorganization Act, do ordain and establish this Constitution and By-laws.

ARTICLE I — TERRITORY

The jurisdiction of the Yavapai-Apache Indian Community shall extend to the territory within the confines of the Camp Verde Reservation and to all lands which may be added thereto under any law of the United States except as otherwise provided by law.

ARTICLE II — MEMBERSHIP

SECTION 1. The membership of the Yavapai-Apache Indian Community shall consist of the following:

(a) All persons of Indian blood whose names appear on the official census rolls as of April 1, 1934, with the supplement thereto of January 1, 1936.

(b) And all children, born to any member who are one-half or more Indian blood.

SEC. 2. The General Community Council shall have the power to pass ordinances, subject to the approval of the Secretary of the Interior, covering future membership and the adoption of new members, except that no person shall be adopted into the Community who has not resided upon the Reservation for a probationary period of one (1) year.

ARTICLE III — GOVERNING BODY

SECTION 1. The governing body of the Yavapai-Apache Indian Community shall be the General Community Council which shall be composed of all the qualified voters of the Yavapai-Apache Indian Community.

SEC. 2. All enrolled members of the Yavapai-Apache Indian Community who are twenty-one (21) years of age or over shall be qualified voters at each election.

SEC. 3. The General Community Council shall elect from its own members by secret ballot a Chairman, a Vice-chairman, a Secretary, a Treasurer, and such other officers and committees as may be deemed necessary.

SEC. 4. The General Community Council shall meet on the second Saturday of December and July.

SEC. 5. Within thirty days after the ratification and approval of this Constitution and By-laws, a General Community Council shall be called by the present Constitutional Committee in co-operation with the Superintendent of the Reservation, for the purpose of electing the officers named herein, and it shall transact such other business as may be necessary. The officers elected at this meeting shall serve until the July meeting in 1937, at which time their successors shall be chosen. Thereafter, officials shall be chosen annually at the July meeting.

SEC. 6. The Chairman, or 25 per cent of the qualified voters may, by written notice, call special meetings of the General Community Council. One-third of the qualified voters of the Reservation shall constitute a quorum at any special or regular meeting.

SEC. 7. There shall be a Business Committee, consisting of the Chairman, Secretary, and Treasurer of the General Community Council, which shall perform such duties as may be authorized by that Council.

ARTICLE IV — POWERS OF THE GENERAL COMMUNITY COUNCIL

SECTION 1. Enumerated Powers.—The General Community Council of the Yavapai-Apache Indian Community shall exercise the following powers, subject to any limitations imposed by the statutes or the Constitution of the United States:

(a) To negotiate with Federal, State and local governments.

(b) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To veto any sale, disposition, lease or encumbrance of tribal lands, interests in lands, or other tribal assets without the consent of the Indians.

(d) To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Camp Verde Reservation prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(e) To manage all tribal economic affairs and enterprises of the Campe Verde Reservation in accordance with the terms of a Charter that may be issued to the Yavapai-Apache Indian Community by the Secretary of the Interior.

(f) To promulgate and enforce ordinances, which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the Yavapai-Apache Indian Community; providing for the manner of making, holding, and revoking assignments of tribal lands or interests therein; providing for the levying of taxes and the appropriation of available tribal funds for public purposes; providing for the licensing of non-members coming upon the Reservation for the purpose of hunting, fishing, trading, or other business, and for the exclusion from the territory of the Camp Verde Reservation of persons not so licensed; providing for the establishment of proper agencies for law enforcement upon the Camp Verde Reservation; providing codes for the regulation of domestic relations of members, governing marriage, divorce, legitimacy, and adoption; providing for the issuance of marriage licenses and decrees of divorce under the supervision of the Superintendent in charge of the Reservation; and providing for the removal or exclusion from the Reservation of any non-members whose presence may be injurious to the people.

(g) To charter subordinate organizations for economic purposes and to delegate to such organizations, or to any subordinate boards or officials of the Camp Verde Reservation, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.

(h) To adopt resolutions not inconsistent with this Constitution and the attached By-laws, regulating the procedure of the Council itself and of other tribal agencies, tribal officials, or tribal organizations of the Camp Verde Reservation.

SEC. 2. Future Powers.—The General Community Council may exercise such further powers as may in the future be delegated to the Council by any member of the Community or by the Secretary of the Interior or any other duly authorized official or agency of the State or Federal Government.

SEC. 3. Reserved Powers.—Any rights and powers heretofore vested in the Yavapai-Apache Band of Indians of the Camp Verde Reservation, but not expressly referred to in this Constitution, shall not be abridged by this article, but may be exercised by the Yavapai-Apache Indian Community through the adoption of appropriate By-laws and constitutional amendments.

SEC. 4. Manner of Review.—Any resolution or ordinance which by the terms of this Constitution, is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the Reservation who shall, within ten days thereafter, approve or disapprove the same.

If the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement to the Secretary of the Interior, who may, within 90 days from the date of enactment, rescind the said ordinance or resolution for any cause by notifying the Council of such decision.

If the Superintendent shall refuse to approve any ordinance or resolution submitted to him, within ten days after its enactment, he shall advise the Council of his reasons therefor. If these reasons appear to the Council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within 90 days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

ARTICLE V — AMENDMENTS

SECTION 1. This Constitution and By-laws may be amended by a majority vote of qualified voters of the Community voting at an election called for that purpose by the Secretary of the Interior, provided that at least 30 per cent of those entitled to vote shall vote in such election, but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment upon receipt of a petition signed by one-third of the qualified voters, members of the Community.

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BY-LAWS OF THE YAVAPAI-APACHE INDIAN COMMUNITY OF THE CAMP VERDE RESERVATION

ARTICLE I — DUTIES OF OFFICERS

SECTION 1. The Chairman of the General Community Council shall preside over all meetings of the Council, shall perform the usual duties of a Chairman, and exercise any authority delegated to him by the Council. He shall vote only in case of a tie.

SEC. 2. The Vice-Chairman shall assist the Chairman when called upon to do so and in the absence of the Chairman he shall preside. When so presiding, he shall have all the rights, privileges and duties as well as the responsibilities of the Chairman.

SEC. 3. The Secretary of the Council shall conduct all Community correspondence and shall keep an accurate record of all matters transacted at the Council meetings. It shall be his duty to submit promptly to the Superintendent of the jurisdiction, and the Commissioner of Indian Affairs, copies of all minutes of regular and special meetings of the General Community Council.

SEC. 4. The Treasurer of the General Community Council shall accept, receive, receipt for, preserve and safeguard all funds in the custody of the Council, whether they be Community funds or special funds for which the Council is acting as trustee or custodian. He shall deposit all funds in such depository as the Council shall direct and shall make and preserve a faithful record of such funds and shall report on all receipts and expenditures and the amount and nature of all funds in his possession and custody, at each regular meeting of the General Community Council, and at such other times as requested by the Council or Business Committee.

He shall not pay out or otherwise disburse any funds in his possession or custody, except in accordance with a resolution duly passed by the Council. The Treasurer shall be required to give bond satisfactory to the Council and to the Commissioner of Indian Affairs. Until the Treasurer is bonded, the Business Committee may make such provision for the custody and disbursements of funds as shall guarantee their safety and proper disbursement and use.

SEC. 5. The subordinate officers or members of committees shall perform such duties as the General Community Council by resolution shall from time to time provide.

SEC. 6. The officers of the Yavapai-Apache Indian Community may receive such compensation as may be determined by the General Community Council, from such funds as may be available.

ARTICLE II — RATIFICATION OF CONSTITUTION AND BY-LAWS

This Constitution and By-laws, when adopted by a majority vote of the qualified voters of the Yavapai-Apache Band of Indians of the Camp Verde Reservation voting at a special election called by the Secretary of the Interior, in which at least thirty per cent of those entitled to shall vote, shall be submitted to the Secretary of the Interior for his approval, and shall be in force from the date of such approval.

***

CERTIFICATE OF ADOPTION

Pursuant to an order, approved September 16, 1936, by the Secretary of the Interior, the attached Constitution and By-laws was submitted for ratification to the members of the Yavapai-Apache Band of Indians of the Camp Verde Reservation and was on October 24, 1936, duly ratified by a vote of 86 for and none against in an election in which over 30 per cent of those entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

JOHN KINSEY,
Chairman of Election Board.

TOM SMITH,
Secretary of the Election Board.

CARL H. SKINNER, Superintendent.

***

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and By-laws of the Yavapai-Apache Indian Community.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution and By-laws, are hereby declared inapplicable to the Yavapai-Apache Indian Community.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and By-laws.

Approval recommended February 10, 1937.

JOHN COLLIER,
Commissioner of Indian Affairs.

HAROLD L. ICKES,
Secretary of the Interior.

[SEAL]

WASHINGTON, D.C., February 12, 1937.

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AMENDMENTS TO THE CONSTITUTION AND BY-LAWS OF THE YAVAPAI-APACHE BAND OF INDIANS, CAMP VERDE RESERVATION

AMENDMENT I

ARTICLE III — GOVERNING BODY

[which see], shall be amended as follows:

"SECTION 1. The governing body of the Yavapai-Apache Indian Community shall be known as the Community Council and shall consist of eight (8) members, elected by the qualified voters of the Yavapai-Apache Indian Community.

"SEC. 2. All enrolled members of the Yavapai-Apache Indian Community who are twenty-one (21) years of age or over shall be qualified voters at each election.

"SEC. 3. Following each election, the Community Council shall elect from its membership a Chairman and a Vice Chairman, and from within or without its own membership a Secretary, a Treasurer, and such other officers and committees as may be deemed necessary; Provided, That council officials elected from without the council membership shall have no vote in the council.

"SEC. 4. The first election shall be called within thirty days after the approval of this amendment at which time four (4) members from the Yavapai-Apache Indian Community shall be elected to serve until the next regular July election, and four (4) members from Yavapai-Apache Indian Community shall be elected to serve until the second regular July election. Annually thereafter on the second Saturday of July the Yavapai-Apache Indian Community shall elect four (4) members to serve a term of two (2) years.

"SEC. 5. The Community Council shall meet on the second Saturday of January,April, July, October, and December. The July meeting shall be a community meeting at which time the annual election shall be held and the Community Council shall report to the community on its work during the year.

"SEC. 6. The Chairman or any three or more members of the Council may, by written notice, call special meetings of the Council.

"SEC. 7. Quorum.—Five or more members of the Council shall constitute a quorum at any special or regular meeting.

"SEC. 8. Recall.—In order to expel any officers or councilmen for neglect of duty or gross misconduct, a majority vote of the members of the Community will be necessary; Provided, That the accused shall be given an opportunity to answer any and all charges at a designated Community meeting called for that purpose. The decision reached at this meeting shall be final.

"SEC. 9. The word 'General' wherever it appears preceding the terms 'Community' and 'Community Council' throughout the Constitution and By-laws shall be deleted."

***

CERTIFICATION OF ADOPTION

Pursuant to an order approved May 9, 1947, by the Assistant Secretary of the Interior, the foregoing Amendment I was submitted for ratification tothe members of the Yavapai-Apache Band of Indians of the Camp Verde Reservation and on June 21, 1947, was duly ratified by a vote of 109 for, and 2 against, in an election in which over 30 percent of those entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the act of June 15, 1935 (49 Stat. 378).

HARRINGTON TURNER,
Chairman, Yavapai-Apache Indian
Community Council.

THOMAS SMITH,
Secretary, Yavapai-Apache Indian
Community Council.

THOMAS H. DODGE,
Superintendent, Truxton Canon Agency.

***

I, Mastin G. White, Acting Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Amendment I to the Constitution and By-laws of the Yavapai-Apache Indian Community of the Camp Verde Reservation, Arizona.

Approval recommended:

WILLIAM ZIMMERMAN, JR.
Assistant Commissioner of Indian Affairs.

MASTIN G. WHITE,
Acting Assistant Secretary of the
Interior

[SEAL]

WASHINGTON, D.C., August 5, 1947.

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AMENDMENT II

ARTICLE VI — REFERENDUM

A new article shall be added to the Tribal Constitution to read as follows:

ARTICLE VI — REFERENDUM

Upon a petition of at least 25 percent of the eligible voters of the community, or upon the request of the majority of the members of the Community Council, any enacted or proposed ordinance and resolution of the Community Council shall be submitted to popular referendum, and the vote of the majority of the qualified voters in such referendum shall decide whether the ordinance or resolution shall thereafter be in effect: Provided, That one-fourth of the eligible voters shall vote in such referendum.

***

CERTIFICATION OF ADOPTION

Pursuant to an order approved May 9, 1947, by the Assistant Secretary of the Interior, the foregoing Amendment II was submitted for ratification to the members of the Yavapai-Apache Band of Indians of the Camp Verde Reservation and on June 21, 1947, was duly ratified by a vote of 109 for, and 2 against, in an election in which over 30 percent of those entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

HARRINGTON TURNER,
Chairman, Yavapai-Apache Indian
Community Council.

THOMAS SMITH,
Secretary, Yavapai-Apache Indian
Community Council.

THOMAS H. DODGE,
Superintendent, Truxton Canon Agency.

***

APPROVAL

I, Mastin G. White, Acting Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Amendment II to the Constitution and By-laws of the Yavapai-Apache Indian Community of the Camp Verde Reservation, Arizona.

Approval recommended:

WILLIAM ZIMMERMAN, JR.
Assistant Commissioner of Indian Affairs.

MASTIN G. WHITE,
Acting Assistant Secretary of the
Interior.

WASHINGTON, D.C., August 5, 1947.

[SEAL]

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ARTICLES OF ASSOCIATION OF THE YAVAPAI-PRESCOTT COMMUNITY — PRESCOTT, ARIZONA

PREAMBLE

We, the undersigned Yavapai Indians, all of whom are members of the Yavapai-Prescott Community and whose names appear on the Yavapai Census Rolls, do hereby voluntarily join together in order to establish a legal community organization for exercising certain powers which will promote the common welfare of our membership, and do hereby adopt these Articles of Association.

ARTICLE I — TERRITORY

The territory of the Yavapai-Prescott Community Association shall be confined to the Yavapai Reservation as set forth in the Act of June 7, 1935 providing for approximately 75 acres, and Act of May 18, 1956, providing for approximately 1,320 acres for a total of approximately 1,395 acres, and such other territory as may be hereafter added by the Association or added thereto by any law of the United States.

ARTICLE II — NAME OF ORGANIZATION

The name of the organization shall be the Yavapai-Prescott Community Association.

ARTICLE III — MEMBERSHIP

SECTION 1. The membership of the Yavapai-Prescott Community Association shall consist of:

(a) All Yavapai Indians whose names appear on the official census roll compiled as of June 1, 1960, and whose names are attached hereto as a part of these Articles of Association; provided such persons are not enrolled as members of some other tribe, band, or community of Indians; and provided, further, that within five years from the adoption of these Articles of Association, corrections may be made in the roll by the governing body, subject to the approval of the Secretary of the Interior or his authorized representative.

(b) Any child of one-fourth degree or more of Yavapai Indian blood who is born to a member of the Yavapai-Prescott Community Association, provided a certified copy of the child's birth certificate is forwarded to the Secretary-Treasurer of the Yavapai-Prescott Community Association within one year from date of the child's birth.

SEC. 2. The Board of Directors of the Yavapai-Prescott Community Association shall have the power to adopt resolutions, subject to the approval of a majority vote of eligible voters, voting in a regularly called Association meeting, governing the adoption of new members, except that no person shall be adopted into the Yavapai-Prescott Community Association who is a member of some other tribe, band or community of Indians, or who has not resided upon the Reservation for a probationary period of one year, and prior notice has been submitted to the Board of Directors that it is the person's intent to serve the probationary period.

ARTICLE IV — GOVERNING BOARD

SECTION 1. The governing board of the Yavapai-Prescott Community Association shall be the Yavapai Board of Directors of five (5) members, consisting of the President, Vice-President, Secretary-Treasurer and two other members. Three of such members shall constitute a quorum.

SEC. 2. The membership of the Yavapai-Prescott Community Association shall elect from its own membership, at a meeting called for this purpose, by secret ballot, a President, Vice-President, Secretary-Treasurer, and two board members to serve on the Board of Directors, within thirty (30) days after approval of these Articles of Association by the Secretary of the Interior or his authorized representative. The Superintendent shall be responsible for calling the first meeting and conducting the first election. The Board of Directors elected at this meeting shall serve until the second Friday in July 1964 at which time successors shall be elected for a term of two (2) years. Members of the Board of Directors may succeed themselves.

SEC. 3. The President, or a majority of the Board of Directors, or twenty-five percent (25%) of the qualified voters may, by written notice, call special meetings of the Yavapai-Prescott Community Association. Twenty-five percent (25%) of the qualified voters of the Association shall constitute a quorum at any special or regular meeting.

SEC. 4. All members of the Yavapai-Prescott Community Association who have reached the age of twenty-one (21) years shall be qualified voters at any meeting or election.

ARTICLE V — ELECTIONS

SECTION 1. The General Meeting of the Yavapai-Prescott Community Association for the purpose of electing the Board of Directors shall be held every even year on the second Friday in July. The meeting and voting place shall be on the Yavapai Reservation as designated by the Board of Directors. The Board shall cause notice to be posted of such meeting and election in at least two places on the Yavapai Reservation fifteen (15) days prior to the meeting and election.

SEC. 2. Special meetings and elections may be called by the Board of Directors for electing a Board Member to fill the unexpired term of a deceased member, a member who has resigned, or removed for other cause, provided that notice of the special meeting and election shall be given as in the case of regular meetings and elections.

SEC. 3. Nominations for the Board of Directors shall be made from the floor at the General or Special Meeting of the Yavapai-Prescott Community Association.

SEC. 4. The elections shall be by secret ballot. The Board of Directors shall prescribe rules for the casting and canvassing of ballots. They will also prescribe the necessary details of election procedures covering the election of Directors and referendum elections.

ARTICLE VI — POWERS OF THE BOARD OF DIRECTORS

SECTION 1. The Board of Directors representing the Yavapai-Prescott Community Association shall exercise the following powers, subject to any limitations imposed by the Constitution or the Statutes of the United States applicable to Indians, and subject further to all expressed restrictions upon such powers contained in these Articles of Association:

(a) To represent the Yavapai-Prescott Community Association and act in all matters that concern the welfare of the Association and to make any and all decisions which are consistent with those Articles of Association and the Statutes of the United States.

(b) To acquire, manage, lease, use, contract, assign, encumber, or dispose of all Association assets, subject to the approval of the Secretary of the Interior or his authorized representative.

(c) To license non-members to do business on the reservation subject to the approval of the Secretary of the Interior, or his authorized representative, and not inconsistent with traders' licenses issued by the Commissioner of Indian Affairs.

(d) To employ legal counsel, the contract, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior or his authorized representative.

(e) Subject to the approval of the Secretary of the Interior, or his authorized representative, to negotiate with city and county officials on the zoning of Reservation lands.

(f) To prepare a plan for the final distribution of all Association assets and to request legislation which will allow the plans to be carried out in a satisfactory manner.

(g) To negotiate and make contracts, including those with the Federal, State and local governments, subject to the approval of the Secretary of the Interior or his authorized representative.

(h) To budget Association funds and manage economic affairs and enterprises in accordance with these Articles of Association.

(i) To regulate its own procedures; to appoint subordinate committees, commissions, and boards; and to regulate subordinate organizations for economic and other purposes.

(j) The Board of Directors may exercise such additional powers as may be delegated to it by members of the Yavapai-Prescott Community Association and may take such actions as are necessary to carry into effect any of its powers and duties.

ARTICLE VII — REVIEW BY THE SECRETARY

Any resolution or ordinance which by the terms of these Articles of Association is subject to review by the Secretary of the Interior, or his authorized representative, and shall be presented to the Superintendent in Charge of the Reservation who shall within fifteen (15) days of receipt approve or disapprove same. If the Superintendent in Charge of the Reservation shall approve any ordinance or resolution, it shall thereupon become effective, but he shall submit a copy of the same, bearing his endorsement, to the Secretary of the Interior, or his authorized representative, who may, within ninety (90) days from the date of enactment, rescind the said ordinance or resolution for any cause by notifying the Board of Directors of such rescissions. If the Secretary shall fail to act within the ninety(90) day period, the ordinance or resolution shall remain in effect as of the date of the Superintendent's approval.

If the Superintendent in Charge of the Reservation shall refuse to approve any resolution or ordinance submitted to him within fifteen (15) days after receipt by him, he shall advise the Directors of his reasons therefor in writing. If those reasons appear insufficient to the Directors, they may by majority vote, refer the ordinance or resolution to the Secretary of the Interior, or his authorized representative, who may, within ninety (90) days from the date of its submission to him, approve same in writing, whereupon the said ordinance or resolution shall become effective.

ARTICLE VIII — REMOVAL AND RESIGNATION FROM OFFICE

SECTION 1. If a member of the Board of Directors fails or refuses to attend two regular meetings in succession, unless excused due to illness or other causes for which he cannot be held responsible, or shall be convited of a felony or of a misdemeanor involving moral integrity, his office shall be declared forfeited by a resolution of the Board of Directors.

SEC. 2. Any Director resigning or taken by death out of office or removed for other cause shall be replaced either by special election or appointment as specified by the Board of Directors.

ARTICLE IX — AMENDMENTS

SECTION 1. These Articles of Association may be amended by a majority vote of qualified voters of the Association voting in an election called for that purpose by the Secretary of the Interior, or his authorized representative, provided that at least twenty-five percent (25%) of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior or his authorized representative.

SEC. 2. It shall be the duty of the Secretary of the Interior, or his authorized representative, to call an election on any proposed amendment at the request of the Board of Directors, or upon presentation of a petition signed by twenty-five percent (25%) of the qualified voters of the Association.

ARTICLE X — DUTIES OF OFFICERS

SECTION 1. The President of the Board of Directors shall preside over all meetings of the Directors, and perform all duties of a President and exercise any authority given him specifically by the Directors, or by a general meeting of the Yavapai-Prescott Community Association. He shall vote only in case of a tie.

SEC. 2. The Vice-President in the absence of the President, shall preside, and when so presiding shall have all powers, privileges, duties, and responsibilities of the President. He shall have the power to vote in all meetings except those under his direction. In this case he shall vote only when there is a tie vote.

SEC. 3. The Secretary-Treasurer shall conduct all Association correspondence and it shall be his duty to submit promptly to the Superintendent in Charge of the Reservation and other appropriate offices of the Bureau of Indian Affairs, copies of all minutes of regular and special meetings of the Directors as well as copies of all resolutions and ordinances adopted by the Directors.

He shall accept, receive, receipt for, preserve and safeguard all funds in the custody of the Yavapai-Prescott Community Association, and forward all funds to the Truxton Canon Subagency for deposit in the Yavapai-Prescott Community Association Individual Indian Money Account or designated depository. He shall make and preserve a faithful record of such funds and shall report on all receipts and expenditures and the amount and nature of all funds in his custody, such report being made in writing to the Board of Directors at regular meetings and at such other times as requested by the Board of Directors. He shall not disburse any funds in his custody or custody of the Board of Directors except when properly authorized to do so by resolution duly passed by the Board of Directors. The Secretary-Treasurer as a member of the Board of Directors shall have the power to vote at any meeting.

The books and records of the Secretary-Treasurer shall be audited at least once each year by a competent auditor employed by the Board of Directors and at such other times as the Board of Directors may direct.

The Secretary-Treasurer shall be required to give a bond satisfactory to the Board of Directors and to the Commissioner of Indian Affairs. Until the Secretary-Treasurer is bonded, the Board of Directors may make such provision for the custody and disbursement of funds as shall guarantee their safety and proper disbursement and use.

SEC. 4. The Board of Directors may elect to designate a commercial bank as the Yavapai-Prescott Community Association's depository.

ARTICLE XI — QUALIFICATIONS OF DIRECTORS

SECTION 1. Any member of the Yavapai-Prescott Community Association shall be qualified to be a candidate for election to the Board of Directors who has reached the age of twenty-five (25) years and who is a resident of the Reservation, any person having been convicted of a felony, or who within the last year preceding the election was convicted of a crime involving moral integrity shall not be eligible to hold the office of Director. The only crimes involving moral integrity shall be adultery, bribery, embezzlement, extortion, fraud, forgery, misbranding, perjury, and theft.

ARTICLE XII — BOARD OF DIRECTORS MEETINGS

SECTION 1. At the first meeting of the Board of Directors following a regular election, the Directors shall see that members have a correct and clear understanding of the Articles of Association, management of Association affairs, and rules for conducting their meetings.

SEC. 2. Regular meetings of the Board of Directors shall be held the second Friday of each month at a place and time specified by the President in an advance notice. In case the regular meeting date falls on a State or National Holiday, the Directors may postpone such regular meeting not to exceed ten (10) days.

SEC. 3. Special meetings of the Directors may be called by the President, or the President shall call a special meeting when presented a written request signed by three or more Directors.

SEC. 4. Recognized rules of order shall apply in conducting business at all meetings. The Directors may vote by voice, but at the discretion of the President or upon request by one or more Directors, a secret vote shall be taken.

SEC. 5. The Board of Directors shall decide all business matters by a majority vote.

ARTICLE XIII — ADOPTION

These Articles of Association, when adopted by a majority vote of the qualified voters of the Yavapai-Prescott Community Association of the Yavapai Reservation, voting at a special election called by the Secretary of the Interior, or his duly authorized representative, in which at least twenty-five percent (25%) of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior, or his authorized representative, for approval, and shall be effective from the date of such approval.

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NON-RATIFIED CONSTITUTION AND BY-LAWS OF THE PUEBLO OF ZUNI, ZUNI RESERVATION, NEW MEXICO

Approved May 14, 1959

[The Zuni Indian Tribe does not have a federal charter, nor does it operate under a constitution and by-laws. The constitution and by-laws presented herein were approved by the Secretary of the Interior on the indicated date, but have never been ratified by the Zuni Tribe.]

PREAMBLE

We, the members of the Pueblo of Zuni, Zuni Indian Reservation, New Mexico, in order to secure to us and to our posterity the political and civil rights guaranteed to us by treaties and by the Constitution and statutes of the United States; to secure educational advantages; to encourage good citizenship; to exercise the right of self-government; to administer both as a municipal body and as a proprietor our Pueblo affairs and to increase and protect our Pueblo resources; to encourage and promote all movements and efforts leading to the general welfare of our Pueblo; to guarantee individual rights and freedom of religion; to maintain our Pueblo customs and traditions; and to utilize and protect our natural resources; do ordain and establish this constitution.

ARTICLE I — JURISDICTION

The jurisdiction of the Pueblo of Zuni, Zuni Indian Reservation, exercised through the General Council, the Zuni Pueblo Council and the Pueblo Court, acting in accordance with this constitution and the ordinances adopted in accordance herewith, shall extend to all of the territory included within the present boundaries of the Pueblo and to such other lands as have been or may hereafter be added thereto, except as may otherwise be provided by law. This jurisdiction shall apply to and be for the benefit and protection of all persons who now are or may in the future become members of the Pueblo of Zuni. The name of this organization shall be "THE PUEBLO OF ZUNI."

ARTICLE II — GENERAL COUNCIL

The General Council consisting of all members of the Pueblo of Zuni, twenty-one years of age and over, may assemble at the time appointed for the regular biennial election of the Zuni Pueblo Council and at such other times as the Zuni Pueblo Council shall call them together, for the discussion of matters relating to the public welfare. A General Council may also be called upon a petition signed by at least ten (10) percent of the qualified voters of the reservation or by majority vote of the Zuni Pueblo Council. A legal quorum of the General Council shall consist of twenty(20) percent of the voters actually resident within the exterior boundaries of the reservation at the time of the election. Such General Council may, by a majority vote take any action not inconsistent with this constitution and bylaws, or applicable statutes of the United States.

ARTICLE III — MEMBERSHIP

SECTION 1. The membership of the Pueblo of Zuni, Zuni Indian Reservation, shall consist of the following:

(a) All persons enrolled on the Zuni Agency census rolls on the date of the adoption of this constitution.

(b) All descendants of such persons, provided such descendants shall have not less than one-quarter (¼) Zuni Indian blood.

(c) The membership roll of the Pueblo of Zuni shall be kept current by striking therefrom the names of persons who have relinquished in writing their membership in the Pueblo and of deceased persons upon receipt of a death certificate or other evidence of death acceptable to the Zuni Pueblo Council, and by adding thereto the names of persons who meet the membership requirements and who comply with the procedure for enrollment as members of the Pueblo.

(d) Any person who has been rejected for enrollment as a member of the Pueblo shall have the right to appeal within 60 days from the date of written notice of rejection to the Secretary of the Interior from the decision of the Zuni Pueblo Council, and the decision of the Secretary of the Interior shall be final.

SEC. 2. The Zuni Pueblo Court when formally established, shall have original jurisdiction to determine membership, paternity and degree of Zuni Indian blood in accordance with this constitution and ordinances adopted pursuant thereto. No degree of any court other than the Zuni Pueblo Court in determining paternity or degree of Zuni Indian blood shall be binding on the Pueblo for membership purposes. The Zuni Pueblo Council shall, until the establishment of the Zuni Pueblo Court, be the sole judge of eligibility for membership, subject to the appeal provision contained in Section 1(d) of this article. The decision of the Pueblo Court shall be subject to appeal to the Zuni Pueblo Council and its decisions shall be subject to appeal to the Secretary of the Interior, whose decision as to membership, paternity, or degree of Indian blood shall be final.

SEC. 3. The Zuni Pueblo Council shall have the power to enact ordinances subject to the approval of the Secretary of the Interior, which must be consistent with and pursuant to this constitution governing future membership, loss of membership and the adoption of new members. No person shall be adopted as a member who has less than one-eight (1/8) Indian blood and who has not resided within the exterior boundaries of the Zuni Pueblo, as extended, for a minimum period of at least five years.

ARTICLE IV — GOVERNING BODY

SECTION 1. The governing body of the Pueblo of Zuni, Zuni Indian Reservation, shall be known as the "Zuni Pueblo Council". All powers not expressly granted to the Zuni Pueblo Council under Article VI of this constitution or required to carry out such expressed powers so granted are reserved to the General Council. The Zuni Pueblo Council shall consist of eight members including the Governor, Lieutenant Governor and the First and Second Tenientes, who shall be elected by a popular vote of the Zuni Pueblo. The qualified voters of the following communities, in accordance with their customs, shall each elect one Teniente:

Ojo Caliente
Nutria
Tekapo
Pescado

The Zuni Pueblo Council may choose from within or without the Zuni Pueblo Council or Zuni Pueblo membership a Secretary-Custodian, Interpreters, a Treasurer, and such other officers and committees as shall be deemed necessary.

SEC. 2. The Zuni Pueblo Council shall have the power to redistrict the reservation and reapportion representatives whenever such action appears desirable. Such redistricting and such reapportionment shall not become effective until approved by a majority of those voting at a special election called for that purpose by the Zuni Pueblo Council, provided that the total vote cast in such election shall be not less than twenty (20) percent of those entitled to vote.

SEC. 3. Members of the Zuni Pueblo Council shall be at least thirty (30) years of age and shall be residents of the reservation. No person who has been convicted of a felony within five years preceding announcement of his candidacy shall be eligible for membership on the Zuni Pueblo Council.

SEC. 4. Following the ratification of this constitution and bylaws, the first election of the Zuni Pueblo Council under this constitution shall be called and held in a manner prescribed by the Zuni Constitutional Committee. Thereafter, the election shall be held biennially on the second Tuesday of December.

SEC. 5. At the first election after the ratification of this constitution, eight (8) members of the Council shall be elected for two (2) years. Thereafter, eight (8) members shall be elected biennially on the second Tuesday in December for a two (2) year period.

SEC. 6. With the exception of the Governor and the Lieutenant Governor, any member of the Zuni Pueblo Council who may resign, die or be removed from his office shall be replaced in accordance with the procedures set forth in Article V of this Constitution. In the event that the Governor may resign, die or be removed from office, he shall be succeeded by the Lieutenant Governor; the First Teniente shall succeed to the office of Lieutenant Governor, and the Second Teniente shall succeed to the office of First Teniente.

SEC. 7. Members of the Zuni Pueblo Council shall take office on the first Tuesday of the first month after their election.

SEC. 8. The Zuni Pueblo Council and its officers shall hold office until their successors are duly installed.

SEC. 9. Any member of the Zuni Pueblo Council convicted of a felony or a misdemeanor involving moral turpitude in a Federal, state, municipal or Zuni Pueblo Court may be removed from office by a two-thirds (2/3) vote of a quorum of the Zuni Pueblo Council.

SEC. 10. Any elected member of the Zuni Pueblo Council shall be subject to recall election upon petition signed by twenty-five (25) percent of the qualified voters. Malfeasance in office or dereliction of official duties shall constitute grounds for recall.

Recall elections shall be held within thirty days after a recall petition is filed with the Secretary-Custodian of the Zuni Pueblo Council. Within five days after the petition is filed, the Zuni Pueblo Council shall call a special hearing to afford opportunity for the officer, or officers subject to recall, to defend his or their positions. Three days after any such special hearing, the Secretary-Custodian of the

Zuni Pueblo Council shall inform the nominating committee of the recall petition filed and the outcome of the special hearing. The nominating committee shall set forth the date of the recall election and a special ballot shall be prepared to afford voters the opportunity to vote for the recall or against the recall of the officer or officers subject to recall.

A majority of votes cast for recall will result in the recall of the officer or officers. The office, or offices in question shall thereupon be vacant. If a recall election fails to secure a majority of votes in favor of recall, the officer or officers shall not be subject to recall until six months have elapsed from the date of the recall election. Vacancies created by recall shall be filled in the same manner as is provided in Article V.

ARTICLE V — NOMINATIONS AND ELECTIONS

SECTION 1. A nominating committee consisting of six qualified voters of the Pueblo shall be elected at a General Council meeting to serve for a term of four years. The nominating committee shall select and nominate two candidates for each of the offices of Governor and Lieutenant Governor. The nominating committee will place in nomination the Tenientes selected by the members of the communities of Ojo Caliente, Nutria, Peseado, and Tekapo. Thereafter, on the second Tuesday during the month of December an election shall be held on the candidates nominated. The unsuccessful candidate for the office of Governor shall be the First Teniente on the Zuni Pueblo Council. The unsuccessful candidate for the office of Lieutenant Governor shall be the Second Teniente on the Zuni Pueblo Council. If a Teniente representing a community is the successful candidate for either Governor or Lieutenant Governor, an election will be held in his community to elect a successor Teniente.

SEC. 2. The nominating committee, with the approval of the Zuni Pueblo Council, shall provide rules governing elections, election officers and location of polling places. The nominating committee shall give public notice of the date of each biennial election and the names of the candidates at least thirty days in advance of the election date. Voting shall be by secret ballot.

SEC. 3. Enrolled members of the Zuni Pueblo of the Zuni Reservation, male and female, who are twenty-one years of age and over shall have the right to vote.

SEC. 4. Notice of special elections shall be given in the same manner as that for general or regular elections.

SEC. 5. The newly elected officers shall all be required to take an oath of office prior to entering upon their duties. This oath shall be taken before some person within or without the Pueblo who is authorized to administer oaths.

ARTICLE VI — POWERS

SECTION 1. In addition to the powers vested in the Zuni Pueblo of the Zuni Reservation, New Mexico, or its Pueblo Council by existing law, the Zuni Pueblo Council shall exercise the following powers subject to any limitations imposed by statutes of the United States applicable to Indians or Indian tribes and subject to all expressed restrictions on such powers contained in this constitution and bylaws.

(a) To regulate its own procedures; to appoint subordinate boards, Pueblo officials and Pueblo employees not otherwise provided for in this constitution and to prescribe their salaries, tenure and duties; to act through subordinate organizations for economic purposes, and to regulate such organizations by ordinance, and if a charter is issued to this Pueblo pursuant to Section 17 of the Indian Reorganization Act, to transfer Pueblo property to such corporation, subject to the approval of such transfers by the Secretary of the Interior.

(b) To represent the Pueblo, and to act in all matters that concern the welfare of the Pueblo.

(c) To negotiate with the Federal, state or local governments, and to advise and consult with representatives of the Interior Department on all activities that may affect the Pueblo, and in regard to all appropriation estimates and Federal projects for the benefit of the Pueblo before such estimates or projects are submitted to the Bureau of the Budget and to Congress.

(d) To prevent the sale, disposition, lease or encumbrance of Pueblo land, interests in land, water, minerals or other Pueblo assets; to approve and provide for the execution of any sale, grant, lease, grant or relinquishment of any interests in land, water, minerals or other assets of the Pueblo or the use thereof, subject to the approval of the Secretary of the Interior where required by law.

(e) To regulate the use of the Pueblo property; to protect and preserve the wildlife and natural resources of the Pueblo; to cultivate Indian arts and crafts and culture; to administer charity; to levy and collect taxes or license fees on traders by ordinances or resolution subject to review by the Secretary of the Interior. All actions of the Pueblo Council with respect to such lands shall be in conformity with Departmental regulations for the protection of Indian range and timber resources.

(f) To appropriate and administer any funds or property within the exclusive control of the Pueblo and to make expenditures from available funds for public purposes of the Pueblo, including salaries and remuneration of officers and other employees.

(g) To provide by ordinance, subject to review by the Secretary of the Interior, for the removal or exclusion from the reservation of any non member whose presence may be injurious or undesirable to the Pueblo or the members thereof.

(h) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior so long as required by law.

(i) To promulgate and enforce ordinances subject to review by the Secretary of the Interior governing (1) the conduct of members, (2) maintenance of law and order and the administration of justice, (3) establishment of a tribal court with a definition of its powers and duties, (4) establishment of a tribal police force, (5) regulation of domestic relations, including marriage and divorce, of members, the adoption of minors, the appointment of guardians for minors and mental incompetents, and the care of needy persons and dependent children, and the inheritance of property other than trust property.

(j) To exercise or provide for the exercise of any further powers as may in the future be delegated to the Zuni Pueblo Council by the Zuni General Council or by any authorized government official or agency of the United States.

(k) To deposit to the credit of the Pueblo of Zuni Pueblo funds, without limitation on the amount in any account, in any National or State Bank whose deposits are insured by any agency of the Federal Government; provided, that funds advanced to the Pueblo from funds held in trust in the United States Treasury shall be deposited with a bonded disbursing officer of the United States whenever the conditions prescribed by the Secretary of the Interior, in connection with such advance, require that the advance be so deposited.

SEC. 2. The foregoing enumeration of powers shall not be construed to limit the powers of the Zuni Pueblo, but all powers of local government not expressly entrusted to the Zuni Pueblo Council by this constitution shall be reserved to the General Council and may be exercised by the Zuni Pueblo Council only after the adoption of appropriate bylaws or constitutional amendments.

ARTICLE VII — MANNER OF REVIEW

Any resolution or ordinance which by the terms of this constitution is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the Reservation who shall, within 10 days thereafter, approve or disapprove the same. If the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same bearing his endorsement to the Secretary of the Interior who may within 90 days from the date of enactment rescind the said ordinance or resolution for any cause by notifying the Zuni Pueblo Council of his veto.

If the Superintendent shall refuse any resolution or ordinance submitted to him within 10 days after its enactment, he shall advise the Zuni Pueblo Council of his reasons therefor. If these reasons appear to the Pueblo Council to be insufficient, it may by vote of the majority of the Pueblo Council refer the the ordinance or resolution to the Secretary of the Interior, and if approved by him in writing, it shall become effective. Whenever the term "Secretary of the Interior" is used in this constitution and bylaws it shall be construed to include his authorized representative.

ARTICLE VIII — REFERENDUM

Upon a petition signed by at least twenty (20) percent of the qualified voters demanding a referendum on any proposed or enacted ordinance or resolution, the Zuni Pueblo Council shall call an election at which a majority of those voting shall approve or disapprove the ordinance or resolution in question which disapproval shall be effective except as to actions or contracts lawfully taken or executed under such ordinance or resolution prior to the date of the referendum election.

ARTICLE IX — LANDS

The Zuni Pueblo Council shall have power to assign unused tribal lands. The Zuni Pueblo Council shall decide by ordinance what shall constitute an economic unit for assignment and shall determine the rules of inheritance of such assignments.

ARTICLE X — AMENDMENTS

Amendments to this constitution may be proposed by a majority vote of the Zuni General Council or of the Zuni Pueblo Council and shall become effective when approved by the Secretary of the Interior, subject to ratification by a majority vote of the qualified voters of the Pueblo of Zuni in an election called for that purpose pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended, provided that at least thirty (30) percent of those entitled to vote shall vote in the election.

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BY-LAWS OF THE PUEBLO OF ZUNI

ARTICLE I — DUTIES OF OFFICERS

SECTION 1. The Governor of the Zuni Pueblo shall preside at all Zuni Pueblo Council and General Council meetings and direct its officers. He shall appoint, subject to the approval of the Zuni Pueblo Council, such boards, committees, interpreters, Pueblo policemen and other officers as the business of the Pueblo may require. He shall be the chief executive officer of the Pueblo to carry out all of the business of the Pueblo not otherwise entrusted to a particular officer. In the absence of the Governor, the Lieutenant Governor shall preside and shall have all the duties, responsibilities and privileges of the Governor.

SEC. 2. The Secretary-Custodian shall keep the minutes of all regular and special meetings of the Zuni Pueblo Council and the General Council, conduct the necessary correspondence and shall file a copy of all minutes in the office of the Superintendent at the conclusion of each meeting and send a copy of the minutes through the Superintendent to the Commissioner of Indian Affairs as soon as possible after each meeting and perform such other duties as the Zuni Pueblo Council shall direct.

SEC. 3. The Treasurer shall accept, receipt for, keep and safeguard all funds in the custody of the Pueblo Council regardless of source. He shall deposit all such funds in a bank, in accordance with Article VI, Section 1 (k) of this constitution, and shall make and keep a faithful record of such funds, and shall report all receipts and expenditures and the amounts and nature of the funds in his possession or custody to the Zuni Pueblo Council at regular meetings and at such other times as requested by the Governor. His reports are to be in writing and made a matter of public record. He shall not expend or otherwise use any public funds in his possession, except when he is authorized to do so by resolution of the Zuni Pueblo Council. All checks or withdrawals shall be signed by the Treasurer and countersigned by the Governor. The books and records of the Treasurer shall be audited at least once a year by a competent auditor employed by the Council. The Treasurer shall, at the expense of the Pueblo, furnish a surety bond satisfactory to the Zuni Pueblo Council and the Commissioner of Indian Affairs, or his duly authorized representative.

SEC. 4. The Zuni Pueblo Council shall cooperate with the President, members and employees of the Zuni Domestic Water Board. It shall meet with the Zuni Domestic Water Board whenever necessary. The Secretary-Custodian of the Zuni Pueblo Council and the Secretary of the Zuni Domestic Water Board shall each maintain a record of the minutes of such meetings.

ARTICLE II — MEETING OF THE ZUNI PUEBLO COUNCIL

SECTION 1. At the first meeting of the Zuni Pueblo Council after a regular election, the Zuni Pueblo Council shall see that its members have a correct and clear understanding of the constitution and bylaws and of the management of the Pueblo and reservation affairs, as well as of the rules for the conduct of its own body. There shall be regular meetings of the Zuni Pueblo Council at times and places as shall be determined by the Zuni Pueblo Council.

SEC. 2. The Governor of the Pueblo shall call a special meeting of the Zuni Pueblo Council upon the request of two or more councilmen. Notice of such special meeting shall be given to every member of the Zuni Pueblo Council by the Secretary-Custodian and to the Superintendent as promptly as possible.

SEC. 3. Matters of business before the Zuni Pueblo Council shall be decided by a majority vote, a quorum being present. The presiding officer shall be a member for quorum purposes, but shall vote only in the event of a tie vote. A legal quorum shall consist of five or more members of the Zuni Pueblo Council.

ARTICLE III — CONFLICTS OF INTEREST

SECTION 1. Any councilman who may be personally interested in any matter before the Zuni Pueblo Council shall not vote on such matter without the consent of the remaining members. Failure to reveal a personal interest, not similarly shared by all members of the Pueblo, to the Zuni Pueblo Council, in a matter before the Council, shall constitute dereliction of official duty.

ARTICLE IV — ORDINANCES AND RESOLUTIONS

SECTION 1. All final decisions of the Zuni Pueblo Council on matters of general and permanent interest to members of the Pueblo and to tribal administration shall be embodied in ordinances. Each ordinance shall be numbered consecutively beginning with Number 1. Such enactments shall be available for public inspection.

SEC. 2. All final decisions of the Zuni Pueblo Council on matters of temporary interest or relating to particular individuals, officials or committees shall be embodied in resolutions. Such resolution shall be numbered consecutively beginning with Number 1 and shall also be available for public inspection.

ARTICLE V — RATIFICATION

This constitution and bylaws, when approved by the Secretary of the Interior shall be immediately effective upon ratification by a majority vote of the adult Indians of the Pueblo of Zuni voting in a special election called for that purpose by the Secretary of the Interior, provided that at least thirty (30) percent of those entitled to vote shall have voted in such election.

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APPROVAL

I, Roger Ernst, Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934, (48 Stat. 984), as amended, do hereby approve the foregoing constitution and bylaws of the Pueblo of Zuni to be effective upon ratification as prescribed in Article V of the bylaws.

All rules and regulations heretofore promulgated by the Department of the Interior or by the Bureau of Indian Affairs so far as they may be inconsistent with any of the provisions of this constitution and bylaws are hereby declared inapplicable to the Pueblo of Zuni. This constitution and bylaws repeals any former Pueblo ordinances in conflict with this constitution and bylaws, and shall have the force and effect of a regulation of the Department of the Interior. All officers and employees of the Interior Department are ordered to abide by the provisions of this constitution and bylaws.

Approval recommended: February 20, 1959.

GLENN L. EMMONS
Commissioner of Indian Affairs

ROGER ERNST
Assistant Secretary of the Interior

Washington, D.C., May 14, 1959.

[SEAL]

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CERTIFICATION OF RATIFICATION

Pursuant to an order approved ____________________, 1959, by the __________ Secretary of the Interior, the attached constitution and bylaws is submitted for ratification to the adult Indians of the Pueblo of Zuni in New Mexico, and was on __________, 1959, duly (ratified)(rejected) by a vote of _____ for, and _____ against, in an election in which at least thirty (30) percent of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

____
Chairman, Election Board

____
Secretary, Election Board

____
Superintendent, Zuni Agency.

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